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**WHAT WILL BE THE STATUS OF PEER REVIEW  
SYSTEMS FOR POLICE MISCONDUCT BY  
THE YEAR 2003?**

**TECHNICAL REPORT**

**BY**

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(POST)**

**Sacramento, California**

**January 1995**

What Will Be The Status Of Peer Review Systems For Police Misconduct By The Year 2005?

J. R. Frazier Sponsoring Agency: Commission on Peace Officer Standards and Training, (POST), 1995, 116 pages.

Availability: Library, Commission on POST, Center for Leadership Development, 1601 Alhambra Blvd., Sacramento, CA 95816-7083.  
Single Copies free: Order number 19-0380.

National Institute of Justice/NCJRS Microfiche Program, Box 6000, Rockville Maryland, 20850  
Microfiche fee. Microfiche number NCJ 154742

Abstract

This research project examines the status of peer review systems for police misconduct by the year 2003. Through the use of the literature search, follow-up interviews with topic experts, panel discussion and case review this topic is studied in detail. The study established a finding that the future of peer review systems for police misconduct will be an essential "empowering" aspect of community oriented policing. Their use will increase as agencies move away from the traditional hierarchial structure to a more flattened organizations. A selected strategy is discussed and outlined which recommends the implementation of a management plan to strengthen the model organization's ability to capitalize on the future opportunities the above issues represent. The research explores how peer review systems for police misconduct will effect employee relations, management rights , as well the integrity of such systems. Appendix contains reference, pertinent graphs and charts and bibliography.

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**WHAT WILL BE THE STATUS OF PEER REVIEW SYSTEMS FOR  
POLICE MISCONDUCT BY THE YEAR 2003?**

Journal Article

John R. Frazier  
Class 19

POST Command College  
January 1995

**This Command College Independent Study Project is a FUTURES study of a particular emerging issue in law enforcement. Its purpose is NOT to predict the future, but rather to project a number of possible scenarios for strategic planning consideration.**

**Defining the future differs from analyzing the past because the future has not yet happened. In this project, useful alternatives have been formulated systematically so that the planner can respond to a range of possible future environments.**

**Managing the future means influencing the future--creating it, constraining it, adapting to it. A futures study points the way.**

**The views and conclusions expressed in the Command College project are those of the author and are not necessarily those of the Commission on Peace Officer Standards and Training (POST).**

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## INTRODUCTION

Over the past two decades society has experienced continual erosion of morals and individual accountability. Law enforcement, drawing its members from this same society, seems to be experiencing a crisis in ethics. The Law Enforcement Code of Ethics, adopted in 1956 by the National Conference of Police Associations and the International Association of Chiefs of Police,<sup>1</sup> has been relegated to a framed document on the station hall walls, something officers have not really thought about since leaving the police academy. The code is useless unless it is something genuinely believed in and adhered to by all members of the profession.<sup>2</sup> In order to be effective, ethics violations and misconduct, must be addressed by the violator's peers, as well as their superiors.

The medical and legal profession has had a peer review system for misconduct and disciplinary situations since the early 19th Century. The use of the term peer, as it is used here, means someone merely within the profession, as opposed to someone with the same ranking or grade within the profession. The self regulations of those professions began as a self-interested desire to limit the number of people in those professions.<sup>3</sup> By the turn of the century, organizations such as the American Bar Association (ABA) and the American Medical Association (AMA) had firm control over the licensing of their professions, thus a great amount of influence over who could enter the professions and who could remain in the professions.

Today, State and Federal bar associations play a major role in receiving, investigating and adjudicating misconduct complaints against lawyers. Correspondingly, complaints

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<sup>1</sup>Commission on Peace Officer Standards and Training, "History and Professionalism, Basic Course Unit Guide, July 1992, p16

<sup>2</sup> *ibid*, p17

<sup>3</sup> Sarah Glazer, "Policing the Professions", *Editorial Research Reports*, May 26, 1989, v1, n20, p290(13).

of misconduct by members of the medical profession are received, investigated and adjudicated by state medical boards. These state medical boards are dominated by members of national or local medical associations.

Although the peer review of these two professions have been generally accepted by society, there is some concern regarding the objectivity of colleagues sitting in judgement of themselves.

The two main consumer complaints about the legal discipline system is the secrecy and the stranglehold by lawyers.<sup>4</sup> This is of greater concern in private practice, where the profit motive enters the picture. Likewise, in the medical profession it has been found that disciplinary cases involving physician incompetence were relatively rare throughout the United States. Richard P. Kusserow, former Inspector General of the Health and Human Services Department indicated that the "minimal response in the area of physician incompetency is placing [state medical] boards in an increasingly untenable position as the incidence of malpractice cases and the public concern about the implications of these cases increase".<sup>5</sup>

Law enforcement, being a governmental entity, would not necessarily fall prey to the same type of conflicts as the medical and legal profession. Many of the self-interested incentives do not exist in a government situation, as evidenced by the American Bar Association's claim that they receive few complaints about government attorneys.<sup>6</sup> This does not mean that law enforcement does not have any conflicts within their

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<sup>4</sup>*Blue Ribbon Committee to Study the Functions and Operations of the Attorney Registration and Disciplinary Commission: Final Report*, April 1989.

<sup>5</sup> Richard P. Kusserow, Elithabeth A. Handley, Mark Y. Yessian, "An Overview of the State Medical Discipline", *Journal of the American Medical Association*, Feb. 13, 1987, p820 (4).

<sup>6</sup> Sarah Glazer, "Policing the Professions", *Editorial Research Reports*, May 26, 1989, v1, n20, p298.

disciplinary systems. Quite the contrary, they are ripe with conflict regarding their ability to police themselves and whether civilian review boards are the answer to these conflicts.

There has been extensive and on going debates within the public policy arena regarding who will police the police.<sup>7</sup> While law enforcement does not necessarily fall prey to the profit motives of the medical and legal professions, there is certainly a lot of fertile ground for cover-up or mitigation action, whether it be to limit the civil liability of a public entity or protect the career of a favored or valued employee.

Throughout the United States, the predominant method of receiving, investigating and adjudicating police discipline cases is an internal system. In the sense that members of the law enforcement community investigate and adjudicate the alleged wrong doings of other members of law enforcement, there is in place a semblance of a peer review system. However, the bureaucratic pyramid structure of law enforcement agencies make the internal review system, anything but a peer review system.

Complaints of misconduct are received in a variety of ways and then investigated by some type of internal affairs function. The results of the investigation are then adjudicated by the chief of police, the sheriff, or by some high level member of the organization, usually with command responsibility. The system is one in which superiors investigate and adjudicate disciplinary cases involving subordinates. There may be internal disciplinary boards or tribunals but, with the exception of those few departments with civilian review boards, they all have two things in common. They fit within the parameters of an internal system, "the police policing themselves", and for the most part, they rely on superiors investigating and adjudicating disciplinary cases involving subordinates. This differs from the peer review systems administered by ABA

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<sup>7</sup> F.M. Broadway, "Police Misconduct - Positive Alternatives", *Journal of Police Science and Administration*, V2, N2 p215-6.

and the AMA, because those two "professional" organization do not necessarily have superiors adjudicating disciplinary cases against subordinates. In the case of the ABA and the AMA, the accused and the reviewer are often of equal status<sup>8</sup>.

Employee lack of confidence in a disciplinary system can force the primary purpose of an organization into a secondary role. Employee participation ensures consideration of a more complete perspective, one that ultimately yields higher quality decisions.<sup>9</sup> A peer review of disciplinary matters can result in a more common definition of the discipline, and common definition leads to common purpose. Peer review boards are normally made up of a mixture of equal rank and superior rank personnel. They create an environment conducive to both management and employees.<sup>10</sup> Peer review boards help ensure proper use of management discretion; they allow problems in policies and practices to be found and fixed.<sup>11</sup>

The experience of two organizations, one a public utility and the other a computer software company, seems to indicate that there is little fear of peer review systems having too heavy of a bias toward the employee, at the expense of management. At Deseret Generation and Transmission Cooperative, it was discovered that peers were often tougher on each other than managers would have been on their subordinates. Only 29% of all reviews were granted in favor of the employee.<sup>12</sup> During a three month period, at Control Data Corporation, only 36% of the peer review board cases were found in favor of the employee; management was favored 64% of the time. Eighty-six

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<sup>8</sup> Robert A. Giacalone, "Justification and procedures for implementing institutional review boards in business organizations. *Journal of Business Ethics*, July 1987, v6, p399(13).

<sup>9</sup> "How Peer Review Works at Deseret", *Electrical World*, September 1988, p32(3).

<sup>10</sup> *ibid* p33.

<sup>11</sup> Lucinda Lamont, "Control Data's Review Process", *Personnel*, February 1987, p7(5)

<sup>12</sup> "How Peer Review Works at Deseret", *Electrical World*, September 1988, p34.

percent of the review board cases involved termination.<sup>13</sup>

Police discipline has a profound affect on the productivity and morale of the field level officers. While the police administrator must remain vigilant against police misconduct, especially in the areas of corruption and excessive force, they must also be cognizant of how their officers view the disciplinary system. When officers begin to view their agency's disciplinary review systems as arbitrary, degrading and career limiting, productivity and morale can be severely diminished. Police discipline systems must be examined to ensure that they remain fair and effective.

With the advent of sensationalized cases such as the Rodney King affair and the escalation of large figure civil suits, the public's attention has been focused on the methods and outcomes of various police discipline cases. Consequently, this increased scrutiny has caused many law enforcement personnel to perceive their discipline systems as arbitrary, degrading and career limiting. This type of a conflict hinders the advancement of productivity and community oriented policing. Contemporary law enforcement executives must continuously search for that convergence point where a productive work environment is balanced with one that is responsive and accountable to the public. Some public and private institutions have found that a peer review of disciplinary issues diminishes the "them vs. us" syndrome.<sup>14</sup>

With the emergence of community oriented policing, innovative ways of empowering employees must be developed.<sup>15</sup> One of the principal tenets of community oriented

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<sup>13</sup> Lucinda Lamont, "Control Data's Review Process", *Personnel*, February 1987, p9.

<sup>14</sup> Joseph E, Schumacher, "The Relation of Peer Assessment to Future Law Enforcement Performance", *Criminal Justice and Behavior*, September 1992, p286(9).

<sup>15</sup> John E. Eck & William Spelman, *Problem-Solving, Problem-Oriented Policing in Newport News*, P38.

policing is to move the decision making process to lower levels.<sup>16</sup> A carefully designed peer review system for police misconduct could have the effect of increasing productivity and morale, while satisfying one of the fundamental doctrines of community oriented policing.

In order to examine this issue and forecast how law enforcement will address this problem by the year 2003, a futures study was completed. The first step was to formulate a study question.

### ISSUE SELECTION

The selection of the issue question and associated sub-issues, was based on three criteria: First, that the issue was relevant to a significant number of law enforcement agencies; second, that the issue is, or could be, influenced by forces outside the organization; and third, that the issue is one from which a law enforcement agency could establish policies to positively impact the future course of the organization. With that criteria established, the issue question was identified; **What will be the status of peer review systems for police misconduct by the year 2003?**

To further define the issue and better focus the direction of the study, a small group of law enforcement managers and executives met and discussed the potential issues for consideration. This group consisted of a deputy chief from the Sacramento Police Department, a commander from the Los Angeles Police Department, a captain from the Los Angeles Police Department, a lieutenant from the Stockton Police Department, and

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<sup>16</sup> David C. Couper & Sabine H. Lobitz, *Quality Policing, The Madison Experience*, p48

a lieutenant from the Glendale Police Department. Using a futures wheel technique three sub-issues were identified.

- I. **What will the impact of a peer review system for police misconduct be on employee relations?**
- II. **How much validity will the general public ascribe to a peer review system for police misconduct?**
- III. **To what extent will a peer review system for police misconduct effect management rights?**

The focus and intent of this study was to develop, through research and discussion with topic area experts, a likely future scenario regarding the future status of peer review systems for police misconduct and then propose a possible change management implementation strategy that would enable law enforcement executives to positively impact the future course of the issue.

### **DEVELOPMENT OF SCENARIOS**

A nominal group technique (NGT) process was employed to identify and analyze topic related trends and events. The data generated in the NGT and the forecasting process

was used to develop various scenarios. An aid to developing these scenarios was a computer program known as SIGMA. SIGMA is a scenario generator that produces scenarios of future events based on the forecasted events generated during the NGT process. More than 50 different scenarios were generated through the use of SIGMA.

Three Scenarios were developed to represent three possible futures. The **Nominal Scenario** suggests what will likely occur if nothing unusual intervenes to alter the present course of the issue studied. The **Hypothetical Scenario** suggests what might occur in the "worst case" outcome. The **Normative Scenario** suggests what might occur if we take steps to manage the issue creating a desirable and attainable future. The normative scenario is included below.

#### **The Normative Scenario:**

In California, the law enforcement community has been under a great deal of scrutiny over the past five or six years. The scrutiny began building after the 1991 Rodney King brutality case and encompassed the Christopher Commission, the Kolt's Report and the official analysis of the 1992 Los Angeles Riots. As a result of these various investigations, coupled with a continual concern of the unnecessary use of force by police, particularly in minority communities, the California Legislature passed a law requiring that the California Peace Officer Standards and Training Commission (POST) revoke the POST certificate of officers who accumulate multiple sustained misconduct complaints.

In order to accommodate that legislative mandate, the POST Commission, in July 1994, asked all law enforcement agencies to devise scrutinize their files and forward "appropriate" cases to be reviewed. The Inglewood Police Department used this vague language as an opportunity to set up a peer review board. The Chief of Police and the president of the Police Association came to an agreement on how to pick a balanced panel. Part

of the legislation requires entities to track sustained misconduct cases. Once an officer accumulates a prescribed number of sustained complaints, a peer review board holds a hearing to determine whether or not the case is "appropriate" to be forwarded to POST.

While news of the legislation mandating the revocation of POST certificates made much of the law enforcement community uncomfortable, that legislation was followed within three months by legislation granting unconditional immunity for law enforcement, from all civil litigation. The purpose of that legislation was two fold. First, the fiscal reality of the situation was that public entities such as cities, counties and the State, could no longer pay the ever increasing monetary awards, that civil juries were issuing. The litigation costs in and of themselves had become prohibited. Second, the legislation felt that the POST certificate revocation system, coupled with the internal disciplinary process of each entity was strong enough to discourage improper conduct. Criminal prosecution, of course, was not affected by the immunity law.

While according to most indicators, the POST Certificate revocation system and the immunity from civil litigation seemed to be a good balance, there were certain segments of the community that felt there was not enough public disclosure regarding police misconduct. In ensuing years, this issue was addressed by case law which allowed for the total discoverability of police personnel files in all court proceedings and legislation which mandated grand jury review of police use of force. Although some law enforcement personnel found these two events troublesome, the majority accepted them as a necessity. The feeling was that the immunity from civil litigation had allowed them to be more effective in the performance of their duties, in order to maintain that effectiveness they needed to keep an appearance of being open and up front, with the community. The total discoverability of police personnel files and the grand jury review of police use of force, provided the profession an appearance of full disclosure.

When personnel of various ranks were appointed to the Inglewood Police Department's review boards by their Police Chief, they became empowered. They were empowered to take control of, and become accountable for, the integrity of their profession. The positions on the Department's peer review boards became very prestigious and coveted positions. This coupled with the total acceptance of community oriented policing caused significant philosophical changes and a major paradigm shift.

The shift in paradigms and the change in law enforcement basic philosophy caused the Inglewood Police Department to start eliminating the hierarchical command structure, in early 1998. Empowerment became the aphorism of the nineties. The Inglewood Police Department began to flatten and pushed more and more decision making to lower levels. The community truly became part of their police department instead of apart from their police department.

### DEVELOPING ALTERNATIVE STRATEGIES

During the preparation of a strategic plan a list of alternative strategies, that could be used to accomplish the mission of attaining a desirable future, were developed. In order to accomplish this a panel of three captains, a civilian commander, a police lieutenant, a police sergeant and police psychologist was called together. Applying a Modified Policy Delphi technique the panel developed the following criteria by which each strategy would be measured against.

- \* Is the policy feasible?
- \* Is the policy cost effective, in terms of human resource expenditure as well as monetary expenditure?
- \* Does the policy achieve the stated mission?
- \* Is the policy desirable by, or marketable to, most, if not all, of the identified stakeholders?

The chosen strategy to guide the model department toward the most desirable future was determined to be: *Develop a peer review board selected by the chief of police, with*

*significant input from labor organizations. The boards findings are to be binding with respect to guilt or innocence, but advisory with regard to penalty.*

The desired future in this research area seeks to create a police misconduct review system which pushes decision making to the lowest level of the organization. The chosen implementation plan strives to develop a peer review board designed to review police misconduct. This board is to be selected by the Chief of Police with significant input from labor organizations.

The selected strategy calls for the development of a review board made up of a mixture of peers and a superior of the accused employee. The accused employee's labor organization would supply the Chief of Police with five names from the labor organization's membership. The Chief of Police would pick two individuals from the list of five names and add two more individuals of the same rank of the accused employee. The Chief of Police would then pick a chairperson of a rank higher than the accused employee. Finally, the board would be provided with a non-voting advisor to assist them with legal and procedural matters.

The selected strategy will necessitate a significant rethinking of how the Inglewood Police Department currently reviews allegations of misconduct by its members. The boards findings would be binding with regard to guilt or innocence of the accused employee. The board would then recommend a penalty to the accused employee's

commanding officer. The commanding officer could accept or modify the penalty recommendation and forward it to the Chief of Police. The Chief of Police would have the final say with regard to the penalty.

The desired future of a peer review system for police misconduct is one that is fair, ethical and effective. In the previous section it was determined that this plan would have as its key components, the following goals and objectives:

- \* *A harmonious work environment which fosters trust and accountability.*
- \* *Employees who maintain the highest degree of sensitivity, cultural and human rights awareness.*
- \* *All employees continually assessing the manner in which they interact within the department and with the community.*
- \* *The Department will provide effective policy and procedures in order to guide peer review board members in a skilled and ethical fashion.*
- \* *Peer review board members will always strive to be objective, while keeping in mind their ethical responsibilities to the Department and the community.*
- \* *Peer review board members shall always maintain the confidentiality of the portions of their duties deemed confidential.*

- \* *The Department will maintain an exceptional degree of individual accountability for members of peer review boards.*

## **ENVIRONMENTAL ANALYSIS**

An evaluation of the current situation must be an essential part of any strategic plan. For this study the process used is referred to by the acronym WOTS-UP Analysis (**Weakness, Opportunities, Threats, Strengths --Underlying Planning**). The model agency was evaluated from a perspective of threats and opportunities in the external environment and strengths and weaknesses in the internal environment. The impacts of social, technological, economic and political environment that surrounds the model agency were considered in structuring the analysis.

## **THE ORGANIZATION'S CAPABILITY**

In order for any strategic plan to be effective an analysis of the organization's capability to accept and adopt a new program must also be studied. For this aspect of the study, three captains and a civilian commander were drawn together to conduct an analysis of the Department's weaknesses and strengths as it relates to the implementation of a strategic plan addressing the topic issue.

### **INTERNAL STRENGTHS**

- \* An increasingly diversified work force which better reflects the diversity of the community.
- \* An ethical and fair minded police chief who is very concerned about the equity

and objectivity of internal disciplinary system.

- \* A command staff committed to community oriented policing and its key ingredients of empowering employees and risk taking.
- \* A strong organizational culture of integrity and ethics.
- \* A reputation for strict discipline and having any suspected criminal acts by police officers reviewed by the District Attorney's office.
- \* Committed relationship with the community, which includes involving the community in its training programs in the form of a citizen's academy.
- \* The Police Chief and his Command Staff maintain open and professional relationship with Inglewood Police Association.
- \* A well educated and professional work force, especially in the supervisory and management ranks.

#### **INTERNAL WEAKNESSES**

- \* Police Chief's desire to maintain total control over adjudication of non-criminal allegations of police misconduct.
- \* A very active police association which routinely appeals police discipline cases.
- \* Over 90% of the sworn personnel live outside the city creating somewhat of a barrier between the community and the officers.
- \* A perception within the department that the enlightened trend is a movement toward citizen review boards rather than peer review boards.

- \* A diversity of basic values among the members of the police department.
- \* A divided and volatile city council inhibits some risk taking on the part of top police management.

### **THE CHALLENGE OF CHANGE MANAGEMENT**

Research has shown that the success of the organizational change process depends on the ability of the organization to manage the implementation of the change effectively. Due to the range of issues this strategy attempts to address, the effective management of this transition period will be critically important for the long term success of the proposal. Research, and discussion among law enforcement executives, also supports the orientation that each transition plan must be tailored to the unique needs and culture of the organization undertaking the challenge of transitional change. Three separate components of the change process were identified as critically important in a well managed implementation plan. The first component is the identity of those individual and groups necessary to assure the success of the selected strategy (critical mass). The second is the identity of the structures needed to effectively manage the change. The final component is the identification of the technologies, methods and tools needed to support the implementation plan.

### **STAKEHOLDER ANALYSIS**

After completion of the organizational assessment, the same group of three captains and a civilian commander were asked to participate in a brainstorming session to

identify stakeholder and their assumptions. Stakeholders represent those individuals and groups who impact the issue, are impacted by the issue or care about the issue. An assumption is something taken as truth without proof, often unstated values and beliefs that individuals or groups hold. This same group was also asked to identify a snaildarter. A snaildarter is an unanticipated stakeholder who can radically impact your strategy, usually in an adverse fashion.

### STAKEHOLDERS

- |                                 |                                                  |
|---------------------------------|--------------------------------------------------|
| * Police Chief                  | * Police Command Staff                           |
| * Police Officers Association   | * Business Community                             |
| * Police Management Association | * Civilian Employee Union (possible snaildarter) |
| * Mayor and City Council        | * NAACP (possible snaildarter)                   |
| * Citizens                      | * American Civil Liberties Union                 |
| * City Manager                  |                                                  |

The situational and stakeholders analysis completed in the course of this research served as the basis for the development of the list of **critical mass**. **Critical mass** is defined as the minimum number of people who, if they support the desired change, will likely make it a success and conversely, if they oppose the change, will likely make it fail. It was decided that these stakeholders were critically needed to ensure the success of the selected strategy. The various negotiation skills and methods outlined in the book *Getting to yes, Negotiating Agreement Without Giving In*<sup>17</sup> will be utilized

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<sup>17</sup> Roger Fisher & William Ury, *Getting to Yes, Negotiating Agreement Without Giving In*, New York, 1991.

by each of the critical mass groups, during this transition management process. The following is a list of individuals and groups, also to be referred to as actors, which are viewed as comprising the **critical mass**:

- \* CHIEF OF POLICE
- \* COMMAND STAFF
- \* COMMANDING OFFICER, INTERNAL AFFAIRS
- \* PRESIDENT OF THE INGLEWOOD POLICE OFFICERS' ASSOCIATION (I.P.O.A.)
- \* POLICE PSYCHOLOGIST

#### THE IMPLEMENTATION PLAN

Organizational change occurs in three phases; the present state, the transition state and the future state. The transition state typically requires a separate structure and form of management appropriate to its unique task. The transition team must be made up of individuals who possess the authority, experience, expertise and desire to make well informed organizational and technical decisions. The identified critical mass actors appear to possess all the traits necessary for the transition management team. All of the critical mass actors, except the Chief of Police and some members of the Command Staff, will play a daily role in the management team, during the implementation process.

The lieutenant assigned as Commanding Officer of Internal Affairs will serve as the

Project Manager. It will be his responsibility to keep the management team focused and organized and to keep the Chief of Police informed of the teams progress. The project manager was chosen because of his position in the organization, his abilities and enthusiasm when given assignments, and the perceived credibility of his character. The chosen project manager has demonstrated the ability to bring conceptual plans to a reality as well as displayed the ability to bring together the rest of the organization to meet the administrative and operational challenges.

The Project Manager will lead a team to implement the selected strategy. While the Command Staff and Chief of Police are members of that team, the reality is that their hands on participation would be limited. The Project Manager, I.P.O. A. president and the Police Psychologist will be the focal point of the transition team. The Chief's and Command Staff's presence on the team is to lend "authority" to the change making process. Also, the Chief of Police will integral to meeting and conferring with the I.P.O.A.

The transition management team must possess the latitude to develop sound strategies in a timely fashion. The team members will need to make use of the strong interpersonal and negotiating skills that they possess. They will need a shared commitment toward the desired ends of the selected strategy. Finally, the Project Manager will be responsible for bringing together the major stakeholders in order to assure that their concerns are addressed, during the development of strategies and

plans. This component of the transition management process is intended to promote a sense of teamwork and consensus building. It is meant to win the needed support of the major stakeholder.

### **TECHNOLOGIES/TECHNIQUES TO SUPPORT IMPLEMENTATION**

The final phase of transition planning involves the identification and selection of methods and technologies which can be used to support implementation of the selected strategy. The selected technologies and methods for the plan include:

### **TEAM BUILDING AND TASK FORCE APPROACH**

Recognizing that opposition has existed in the past between some critical mass actors, forming them into a "transition management team" would provide a forum for them to identify common areas of concern and topics of conflict. This will also avoid false expectations and later conflicts. Developing a "can do" attitude must be identified as the collective responsibility of the entire transition team.

### **PROBLEM FINDING ACTIVITY**

This would involve the transition team in discussions about problems that may exist within the present misconduct review system. This should raise group awareness of significant issues and how they are perceived by each member of the team. This technique will also bring hidden agendas to the surface.

## CONCLUSION

This research study has attempted to forecast the future status of peer review systems for police misconduct by the year 2003. Research completed in this study clearly suggests that if current trends continue the manner in which police misconduct is reviewed and adjudicated will remain as critical issue. High profile media reports vividly document law enforcement's and the community's concern with deteriorating ethics. As society moves toward the twenty-first century the law enforcement profession continues to search for methods in which their members can become self accountable. This study has demonstrated that no single system can effectively address the immense range of issues effecting the subject matter, but rather, various systems must be pliable so they can be molded to fit the organization they serve.

The research clearly indicates that community oriented policing and problem solving necessitates the empowering of line level personnel. A peer review system for police misconduct is a great empowering tool. Sharing the responsibility of reviewing the misconduct of peers can cause people to assert self accountability. It is the antithesis of such troubling concepts such as the "code of silence." Empowering through peer review of police misconduct, puts meaning back into the Law Enforcement Code of Ethics.

The research indicates that a peer review system for police misconduct will have a

significant positive impact on employee relations. Once members of the labor organization have bought into a peer review system, they assume equal ownership. The "them vs. us" attitude could be greatly reduced. The exacting task will be to win the confidence and trust of the line personnel. The study explored several ways to accomplish that mission.

The research indicates that a peer review system for police misconduct can be designed and implemented without unduly diminishing management's rights to maintain accountability in the ranks. The research suggests that this responsibility and accountability be shared. Nothing in the research suggests that the chief of police or his command staff ever abdicate that responsibility to any entity, be it a peer review system or a civilian review system.

The study determined that the community is one of the major stakeholders in a peer review system of police misconduct. The research indicated that this is an area ripe for further examination. While the study explored this issue, it never entirely answered that particular sub-issue question. It would appear that the sub-issue question is large enough to be an issue of its own. There may be a place in the interesting future where one might employ a mixture of peer review board and a civilian review board. That concept is beyond the scope of this current research, but certainly is a topic worthy of future research.

**This Command College Independent Study Project is a FUTURES study of a particular emerging issue in law enforcement. Its purpose is NOT to predict the future, but rather to project a number of possible scenarios for strategic planning consideration.**

**Defining the future differs from analyzing the past because the future has not yet happened. In this project, useful alternatives have been formulated systematically so that the planner can respond to a range of possible future environments.**

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## INTRODUCTION

### PROJECT BACKGROUND

The medical and legal profession has had a peer review system for misconduct and disciplinary situations since the early 19th Century. The use of the term peer, as it is used here, means someone merely within the profession, as opposed to someone with the same ranking or grade within the profession. The self regulations of those professions began as a self-interested desire to limit the number of people in those professions.<sup>1</sup> By the turn of the century, organizations such as the American Bar Association (ABA) and the American Medical Association (AMA) had firm control over the licensing of their professions, thus a great amount of influence over who could enter the professions and who could remain in the professions.

Today, State and Federal bar associations play a major role in receiving, investigating and adjudicating misconduct complaints against lawyers. Correspondingly, complaints of misconduct by members of the medical profession are received, investigated and adjudicated by state medical boards. These state medical boards are dominated by members of national or local medical associations.

Although the peer review of these two professions have been generally accepted by

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<sup>1</sup> Sarah Glazer, "Policing the Professions", *Editorial Research Reports*, May 26, 1989, v1, n20, p290(13).

society, there is some concern regarding the objectivity of colleagues sitting in judgement of themselves.

The two main consumer complaints about the legal discipline system is the secrecy and the stranglehold by lawyers.<sup>2</sup> This is of greater concern, in private practice, where the profit motive enters the picture. Likewise, in the medical profession it has been found that disciplinary cases involving physician incompetence were relatively rare throughout the United States. Richard P. Kusserow, former Inspector General of the Health and Human Services Department, indicated that the "minimal response in the area of physician incompetency is placing [state medical] boards in an increasing untenable position as the incidence of malpractice cases and the public concern about the implications of these cases increase."<sup>3</sup>

Law enforcement, being a governmental entity, would not necessarily fall prey to the same type of conflicts as the medical and legal profession. Many of the monetary incentives, to commit misconduct, do not exist in a government situation, as evidenced by the American Bar Association's claim that they receive few complaints about government attorneys.<sup>4</sup> This

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<sup>2</sup>*Blue Ribbon Committee to Study the Functions and Operations of the Attorney Registration and Disciplinary Commission: Final Report*, April 1989.

<sup>3</sup> Richard P. Kusserow, Elithabeth A. Handley, Mark Y. Yessian, "An Overview of the State Medical Discipline", *Journal of the American Medical Association*, Feb. 13, 1987, p820 (4).

<sup>4</sup> Sarah Glazer, "Policing the Professions", *Editorial Research Reports*, May 26, 1989, v1, n20, p298.

does not mean that law enforcement does not have any conflicts regarding their disciplinary systems. Quite the contrary, they are ripe with conflict between the ability to police themselves and civilian review boards.

There has been extensive and on going debates within the public policy arena regarding who will police the police.<sup>5</sup> While law enforcement does not necessarily fall prey to the profit motives of the medical and legal professions, there is certainly a lot of fertile ground for cover-up or mitigation action, whether it be to limit the civil liability of a public entity or protect the career of a favored or valued employee.

Throughout the United States, the predominant method of receiving, investigating and adjudicating police discipline cases, is an internal system. In the sense that members of the law enforcement community investigate and adjudicate the alleged wrongdoing of other members of law enforcement, there is in place a semblance of a peer review system. However, the bureaucratic pyramid structure of law enforcement agencies make the internal review system, anything but a peer review system.

Misconduct complaints are received by law enforcement in a variety of ways and then investigated by some type of internal affairs function. The results of the investigation are then adjudicated by the chief of police, the sheriff, or by some high level member of the

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<sup>5</sup> F.M. Broadway, "Police Misconduct - Positive Alternatives", *Journal of Police Science and Administration*, V2, N2 p215-6.

organization, usually with command responsibility. The system is usually one in which superiors investigate and adjudicate disciplinary cases involving subordinates. There may be internal disciplinary boards or tribunals, but with the exception of those few departments with civilian review boards, they all have two things in common. They fit within the parameters of an internal system, "the police policing themselves" and, for the most part, they rely on superiors investigating and adjudicating disciplinary cases involving subordinates. This differs from the peer review systems administered by ABA and the AMA, because those two "professional" organizations do not necessarily have superiors adjudicating disciplinary cases against subordinates. In the case of the ABA and the AMA, the accused and the reviewer are often of equal status.<sup>6</sup>

With the advent of sensationalized cases such as the Rodney King affair and the escalation of large figure civil suits, the public's attention has been focused on the methods and outcomes of various police discipline cases. Consequently, this increased scrutiny has caused many law enforcement personnel to perceive their discipline systems as arbitrary, degrading and career limiting. This type of a conflict hinders the advancement of productivity and Community Oriented Policing. Contemporary law enforcement executives must continuously search for that convergence point where a productive work environment is balanced with one that is responsive and accountable to the public. Some

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<sup>6</sup> Robert A. Giacalone, "Justification and procedures for implementing institutional review boards in business organizations. *Journal of Business Ethics*, July 1987, v6, p399(13).

public and private institutions have found that a peer review of disciplinary issues diminishes the "them vs. us" syndrome.<sup>7</sup>

Employees' lack of confidence in a disciplinary system can force the primary purpose of an organization into a secondary role. Employee participation ensures consideration of a more complete perspective, that ultimately yields higher quality decisions.<sup>8</sup> A peer review of disciplinary matters can result in a more common definition of the discipline and common definition leads to common purpose. Peer review boards are normally made up of a mixture of equal and superior rank personnel. They create an environment conducive to both management and employees.<sup>9</sup> Peer review boards help ensure proper use of management discretion; they allow problems in policies and practices to be found and fixed.<sup>10</sup>

One question posed by such employee-centered review systems is: Does peer review turn the asylum over to the inmates? Studies have shown peer review processes to be rather subjective (as is any disciplinary process). Reporting a peer's wrongdoing to a higher

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<sup>7</sup> Joseph E. Schumacher, "The Relation of Peer Assessment to Future Law Enforcement Performance", *Criminal Justice and Behavior*, September 1992, p286(9).

<sup>8</sup> "How Peer Review Works at Deseret", *Electrical World*, September 1988, p32(3).

<sup>9</sup> *ibid* p33.

<sup>10</sup> Lucinda Lamont, "Control Data's Review Process", *Personnel*, February 1987, p7(5)

authority may be more difficult than reporting a superior's wrong doing, because of group norms against reporting peer misconduct.<sup>11</sup> It might be argued that biases of all types can influence decisions by peer review boards, but the effects of these biases do not appear particularly ominous. A 1989 study, by James L. Jordan at San Diego State University, on the effects of race and sex on the peer review process, indicated that there were some small, yet significant, differences on how one rated individuals of a different race and sex. However, those findings do not agree with six previous studies in which no differences were noted.<sup>12</sup>

The experience of two organizations, one a public utility and the other a computer software company, seems to indicate that there is little fear of peer review systems having too heavy of a bias toward the employee, at the expense of management. At Deseret Generation and Transmission Cooperative, it was discovered that peers were often tougher on each other than managers would have been on their subordinates. Only 29% of all reviews were granted in favor of the employee.<sup>13</sup> During a three year period, at Control Data Corporation, only 36% of the peer review board cases were found in favor

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<sup>11</sup> Bart Victor, Linda Klebe Trevino, Debra L. Shipero, "Peer Reporting of Unethical Behavior: The Influence of Justice Evaluations and Social Context Factors", *Journal of Business Ethics*, April 1993, v12 n4 p253.

<sup>12</sup> James L. Jordan, "Effects of Race on Interrater Reliability of Peer Ratings", *Psychological Reports*, June 1989, v64 n3 p1221(2).

James L. Jordan, "Effects of Sex on Peer Ratings of U.S. Army ROTC Cadets", *Psychological Reports*, June 1989, v64 n3 p939(6).

<sup>13</sup> "How Peer Review Works at Deseret", *Electrical World*, September 1988, p34.

of the employee, management was favored 64% of the time. Eighty-six percent of the review board cases involved termination.<sup>14</sup>

Police discipline has a profound effect on the productivity and morale of the field level officers. While the police administrator must remain vigilant against police misconduct, especially in the areas of corruption and excessive force, he or she must also be cognizant of how officers view the disciplinary system. When, because of increased media scrutiny, officers begin to view their agency's disciplinary review systems as arbitrary, degrading and career limiting, productivity and morale can be severely diminished. Police discipline systems must be examined to ensure that they remain fair and effective.

The emergence of Community Oriented Policing, requires that innovative ways of empowering employees be developed.<sup>15</sup> One of the principal tenets of Community Oriented Policing is to move the decision making process to lower levels.<sup>16</sup> A carefully designed peer review system for police misconduct could have the effect of increasing productivity and morale, while satisfying that fundamental doctrine of Community Oriented Policing.

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<sup>14</sup> Lucinda Lamont, "Control Data's Review Process", *Personnel*, February 1987, p9.

<sup>15</sup> John E. Eck & William Spelman, *Problem-Solving, Problem-Oriented Policing in Newport News*, P38.

<sup>16</sup> David C. Couper & Sabine H. Lobitz, *Quality Policing, The Madison Experience*, p48

## SELECTION OF ISSUE QUESTION

The selection of the issue question, and associated sub-issues, was based on three criteria: first, that the issue was relevant to a significant number of law enforcement agencies; second, that the issue is, or could be, influenced by forces outside the organization; and third, that the issue is one from which a law enforcement agency could establish policies to positively impact the future course of the organization. With that criteria established, the following issue question was identified:

**What will be the status of peer review systems for police misconduct by the year 2003?**

To further define the issue and better focus the direction of the study, a small group of law enforcement managers and executives met and discussed the potential issues for consideration. This group consisted of a deputy chief from the Sacramento Police Department, a commander from the Los Angeles Police Department, a captain from the Los Angeles Police Department, a lieutenant from the Stockton Police Department, and a lieutenant from the Glendale Police Department. Using a futures wheel (refer to Appendix A), three sub issues were identified.

**1) What will the impact of a peer review system for police misconduct be on employee relations?**

Would a successfully designed peer review system have a positive effect on future

morale? When designing discipline review systems, employee rights have to be taken into account. In California, the Police Officer's Bill of Rights mandates that certain procedures be adhered to. Conflicts between being a member of labor organization or association, while simultaneously sitting on a peer review panel must be addressed and settled. Confidentiality of discipline procedures will also be an issue when discussing the future of peer review systems for police misconduct.

**2) How much validity will the general public ascribe to a peer review system for police misconduct?**

Could such a system satisfy the future goals of the community. The community certainly will want a strong productive police department. They will also want assurances that the department is well disciplined, especially in the area of use of force.

It does not appear that the future level of media attention on police misconduct issues will see any decline. Any future peer review system for police misconduct must be one that would assure the community that it is fair, impartial and effective.

**3) To what extent will a peer review system for police misconduct affect management rights?**

Future law enforcement executives and managers, like those of today, will need to be able to effectively direct and control their subordinates. This may lessen somewhat with the shift away from para-military organizations and the move toward empowerment (which is intrinsic to Community Oriented Policing), but it will never go away. Should society's

litigious appetite continue to grow, accountability at all levels will have to be enhanced. Management's ability to be accountable for the actions of their subordinates should not be adversely affected by the empowerment of lower level personnel. The future of a peer review system for police misconduct will depend on the system's ability to satisfy the needs of both management and subordinate personnel.

The following section reports on the futures' study process used to collect data relevant to these concerns, and three possible scenarios developed as a result of that data. Subsequent sections address the planning transition management strategies necessary to bring about desired change.

## **SECTION I**

### **FORECASTING THE FUTURE**

#### **WHAT WILL BE THE STATUS OF PEER REVIEW SYSTEMS FOR POLICE MISCONDUCT BY THE YEAR 2003**

##### **INTRODUCTION**

This section will discuss the process of futures forecasting, the identification of trends and events and analysis of the data collected in these processes. As part of the strategic planning process, this section examines how trends and events, relevant to the issue, might impact the status of peer review systems for police misconduct by the year 2003.

The study methodology utilized a panel of seven members, each representing a various level of the rank structure common to police departments. The group was diverse as it included both sworn and non-sworn personnel, males and a female, whites and an African-American. The Nominal Group Technique (NGT) process was used to identify trends and events relevant to the issue.

The group was selected for the experience they had gained working within the various rank levels in law enforcement, or for their expertise in the human behavior field. They

included rank-and-file, supervisory and management personnel, as well as two practicing psychologists. The specific members included : Lieutenant Thomas Hoffman (former Patrol Division Commander for the Inglewood Police Department); Lieutenant Ron Wood (former Internal Affairs Division Commander for the Inglewood Police Department); Officer Sandra Terhune (Patrol Officer for the Santa Monica Police Department and candidate for a Masters Degree in psychology from California State University, Northridge); Frederick Neumeyer (staff psychologist for the El Monte Police Department); Thomas Petersen (staff psychologist for the Inglewood Police Department and candidate for a Ph.D. in psychology from the California Graduate Institute); Sergeant Robert Hoffman (supervisor for the Inglewood Police Department and holder of a Ph.D. in criminal justice from Claremont College); and Sergeant Lawrence Kirkley (supervisor for the Inglewood Police Department and holder of a Masters Degree in public administration from California State University, Dominguez Hills).

After the identification of and forecast of the trends and events, two of the group members then conducted a cross-impact phase and explored how the events would impact on each other, and the trends, were they to occur. The information generated by the group, coupled with a computer program called SIGMA, a scenario generator, was used to identify three alternative futures regarding this issue, which were based on the trends and events identified by the NGT panel. A single future was then selected for which policy decisions could be made to assist managing the issue.

# METHODOLOGY

## IDENTIFICATION OF TRENDS AND EVENTS

The seven panel members were contacted by phone and invited to participate in the Nominal Group Technique (NGT) process and futures forecasting process for this study. All agreed to participate and were provided with information explaining the nature of the study, the purpose of the meeting, their responsibility as group members, and the date, time and location for the meeting.

The meeting began with an overview of the NGT process. Each member was provided a packet containing an agenda, a statement of the issue and the previously identified sub-issues on which the group was to focus, and a number of forms to be completed by them during the process (refer to Appendix B).

The NGT process was begun by having each member compile an individual list of trends that they felt would presently, or potentially, have an impact on the issue question or any of the sub-issues. To initiate the flow of ideas, a prepared list of several trends and events were presented to panelist for their consideration (refer to Appendix C).

Each member's individual trends were then shared with the group in a "round robin" process. Each trend was written on flip charts and eventually posted around the room so all trend suggestions could be viewed by the entire group. The trends were discussed to ensure that they were properly phrased and everyone had a clear understanding of their meaning. Discussions were initiated to avoid having any of the trends phrased in a directional manner.

During the process of identifying and selecting the most relevant trends, the group ultimately identified 46 trends that could have a direct influence on the issue over the next ten year period (refer to Appendix D). The same process was then followed by the group to identify and rank events which might impact the issue and sub-issue questions.

While discussing the listed events, the group combined those they felt were similar in scope and intent. Ultimately a total of 23 events were identified by the panel members (refer to Appendix E).

## **SELECTION OF TRENDS AND EVENTS**

During each step of the NGT process, group members were reminded that events and trends needed to be relevant to the topic issue. As a result, the process screened itself. This phase of the process significantly reduced the overall list of trends and events to a manageable forecasting size.

### **Selection of Trends for Forecasting:**

The NGT group was asked to individually rank order the top ten (10) trends, in accordance to their perception on the relative importance each trend would impact the issue or sub-issue questions. Through a ranking and voting process a list of the ten (10) most voted for trends was developed and posted on a wall in the room. The ten (10) trends were carried over for forecasting.

### **Trends selected for forecasting were:**

**T1. Degree of change in management's right to discipline:**

Impact of a peer review process significantly changing management's rights, as it relates to disciplining personnel. If a peer review process were implemented, would management's ability to discipline be enhanced or hampered?

**T2. Level of outside demand for participation in the police**

**discipline process:** Impact of a change in the interest level of the community in the police disciplinary process, in light of the growing acceptance of Community Oriented Policing: How will the interest change when the community feels more "a part" of the policing process?

- T3. Degree of impact on managements' rights to evaluate employee performance:** Impact of a peer review system on management's ability to set and evaluate employee performance standards. The degree to which peer review boards follow the standards set forth by management.
- T4. Level of criminal prosecution of police misconduct:** The degree of influence that a change in the level of criminal prosecution of police officers would have on a peer review system.
- T5. Degree of participation of employee groups and representatives in the police discipline process:** The conflict that a significant increase or decrease in the level of participation of employee groups and representative in the disciplinary process might have with other functions that those groups or representatives might have.
- T6. Level of distrust rank and file have of supervisors and managers:** The impact that a peer review system would have on the level of distrust of supervisors and managers, as well

as the effect that the level of distrust for supervisors and managers would have on a peer review system.

**T7. Level of usage of civilian review boards:** The degree in which civilian review boards are use and accepted, for the review of police misconduct, will have a corresponding affect on the frequency in which peer review systems are used and accepted.

**T8. Number of punitive sanctions of police managers for perceived unfairness in employee relations:** The impact that case law allowing sanctions against managers for wrongful acts during employee relations would have on a peer review system.

**T9. Level of negative media attention on police misconduct:** The impact that a change, in the degree of interest that the media has in police misconduct, would have on the usage and acceptance of peer review systems.

**T10. Educational level of police officers:** The impact that the educational level of law enforcement personnel would have on the peer review process, as well as its usage and acceptance.

**Selection of events for forecasting:**

The group was asked to review the suggested events and determine which ten (10) of those events were most likely to occur and/or have the most impact on the issue question. Each member was directed to rank order (10) events according to their perception of the relative importance each event would impact on the topic issue. The individual forecasts were then collected, tabulated and a rank order list of the ten (10) most voted for events was posted on a flip chart in front of the room.

**Events selected by the group were:**

**E1. Mandated grand jury review of police use of force.**

Legislation is passed which charges the grand jury of each county to regularly review the use of force by each police agency in their jurisdiction.

**E2. Courts mandate the usage of civilian review boards. An**

appellate court determines that an internal review system for

police misconduct is inherently unfair, and mandates the use of civilian review boards in matters of alleged police misconduct.

- E3. Legislation granting law enforcement unconditional immunity from civil litigation.** The California legislature passes a bill that virtually immunizes all law enforcement personnel and agencies from civil liabilities arising from actions taken within scope of their employment.
- E4. Refusal of peers to participate in a peer review process.** A peer review process for police misconduct is established, but peers refuse to serve on the peer review panel.
- E5. Case law allows for the total discoverability of police personnel files.** An appellate court rules that there is no confidential protection of police personnel records. They are public records and are discoverable in all criminal and civil procedures.
- E6. Elimination of hierarchical command structure.** Police agencies throughout the state abandon their traditional para-

military hierarchial command structure in adoption of a flattened table of organization.

- E7. Law enforcement unions outlawed.** Legislation is passed which makes it illegal for police personnel to form labor unions.
- E8. The Peace Officer's Bill of Rights (AB301) is repealed.** The California Legislature passes a bill which repeals the Peace Officer's Bill of Rights.
- E9. Legislation requires that action be taken on multiple misconduct complaints, regardless of their ultimate disposition.** Legislation is passed requiring law enforcement agencies to track multiple complaints against their personnel and further requires that assertive action be taken against personnel who receive multiple complaints, even if all the complaints were found to "not sustained" or "unfounded".
- E10. Legislation requires the revocation of POST certificates for the multiple sustained misconduct complaints.** Legislation is passed which mandates that the California Commission on Peace Officer Standards and Training review

multiple sustained complaints of police misconduct and in aggravated instances, POST is to revoke the officers' POST Certificate, thus rendering the officer unemployable in California law enforcement.

## **TREND FORECASTING**

The group was next asked to forecast the selected trends using a ratio scale. The value of the trends at their current or present level of 1993 was set at 100. Using 100 as the present value, panel members were asked to project their estimates of change in terms of direction (up or down) from their perception of the present level. The group was asked to estimate where the trend was ten (10) years prior (1983) and project where the trend would be five (5) years (1998) into the future and then ten (10) years (2003) into the future.

Table 1, on the following page, shows the group's forecast of the trends. Graphs in Figures 1 through 10 show the group's forecasting in some detail. The graphs depict the panel's estimates for each trend including the nominal high, low and median.

TABLE 1

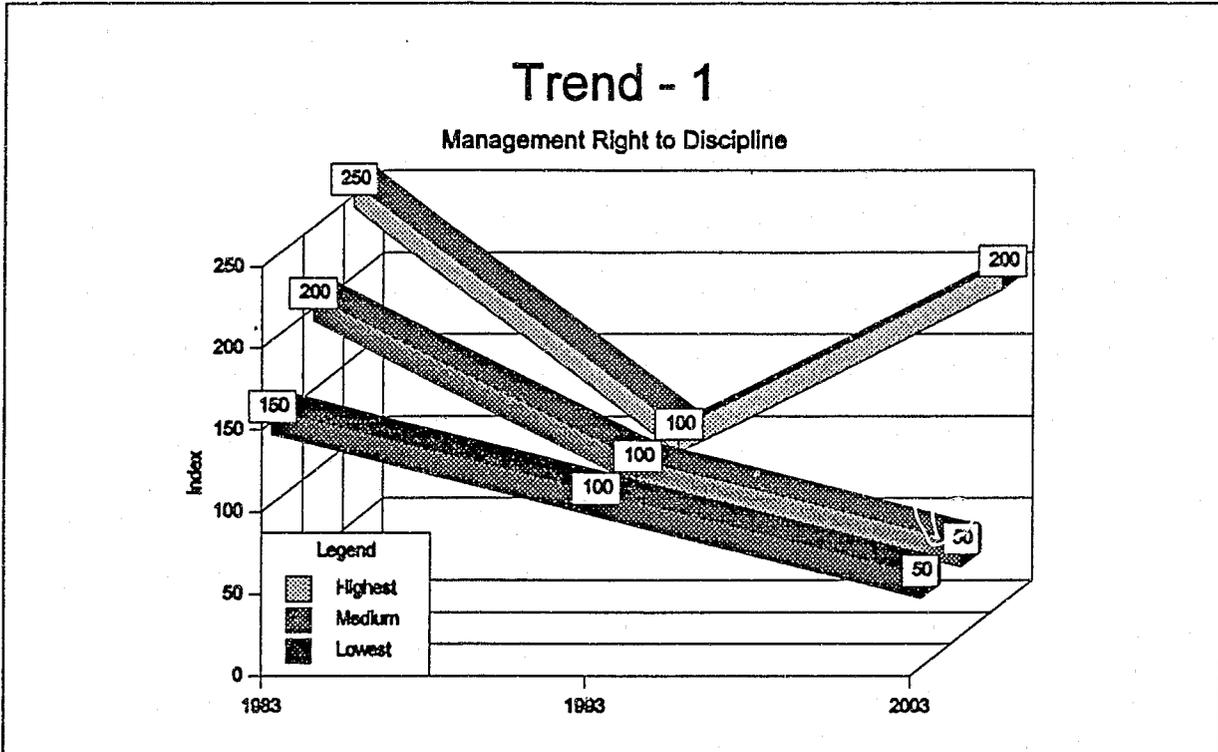
TREND EVALUATION TABLE

	Trend Statement	Ten Years Ago	Today 1993	Five Years 1998	Ten Years 2003
Trend 1	Degree of change in management's right to discipline.	200	100	25	50
Trend 2	Level of outside demand for participation in the police discipline process.	200	100	25	50
Trend 3	Degree of impact on management's rights to evaluate employee performance.	100	100	85	75
Trend 4	Level of criminal prosecution of police misconduct.	20	100	150	200
Trend 5	Degree of participation of employee groups and representatives in the police process.	50	100	150	200
Trend 6	Level of distrust rank and file have of supervisors and managers.	80	100	120	135
Trend 7	Level of usage of civilian review boards.	80	100	125	150
Trend 8	Number of punitive sanctions of police managers for perceived unfairness in employee relations.	10	100	150	200
Trend 9	Level of negative media attention on police misconduct.	20	100	125	150
Trend 10	Educational level of police officers.	50	100	100	100

**N=7 The values represent the panel's median.**

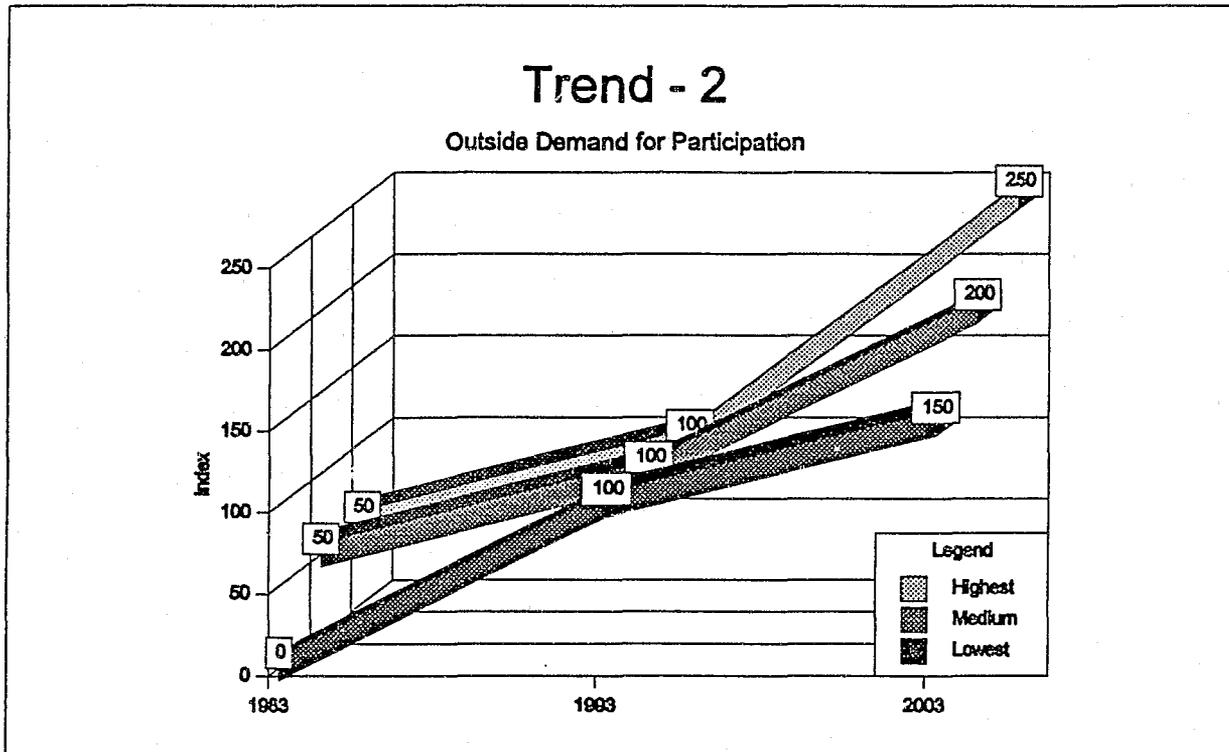
#### Discussion of range estimates:

Following the forecast of trends, graphs were prepared by the group showing the range of forecasts.



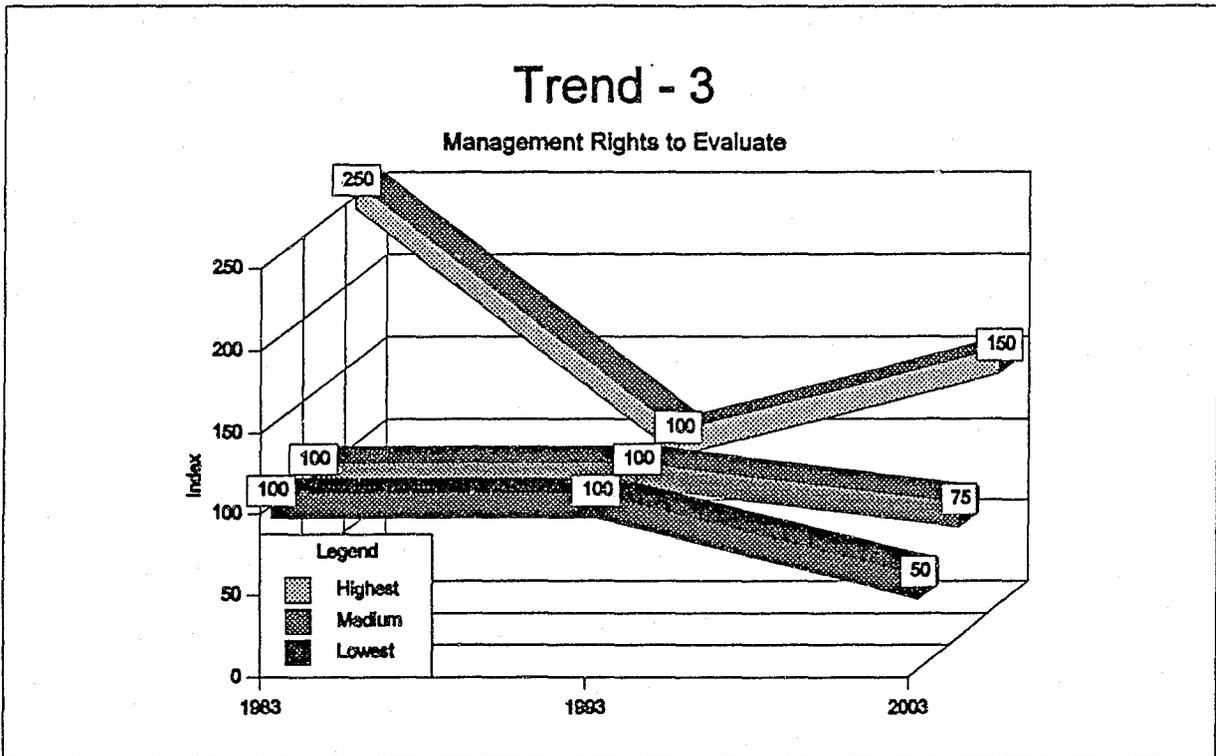
**Figure 1 Degree of change in management's right to discipline.**

The panel results of this trend indicated that there has been a significant decrease in managements right to discipline employees. The panel's median perceived a 100% drop in management rights over the past ten (10) years. They also forecasted that those rights would continue to deteriorate, although there will be a 50% reduction in the deceleration. The group's high perceived 150% deterioration of management rights over the last ten (10) years, but a returned to their previous level over the next ten (10) years. The panel's low indicated a 50% decrease from 10 years ago until the present and a continuation of that trend, at the same pace, in the future.



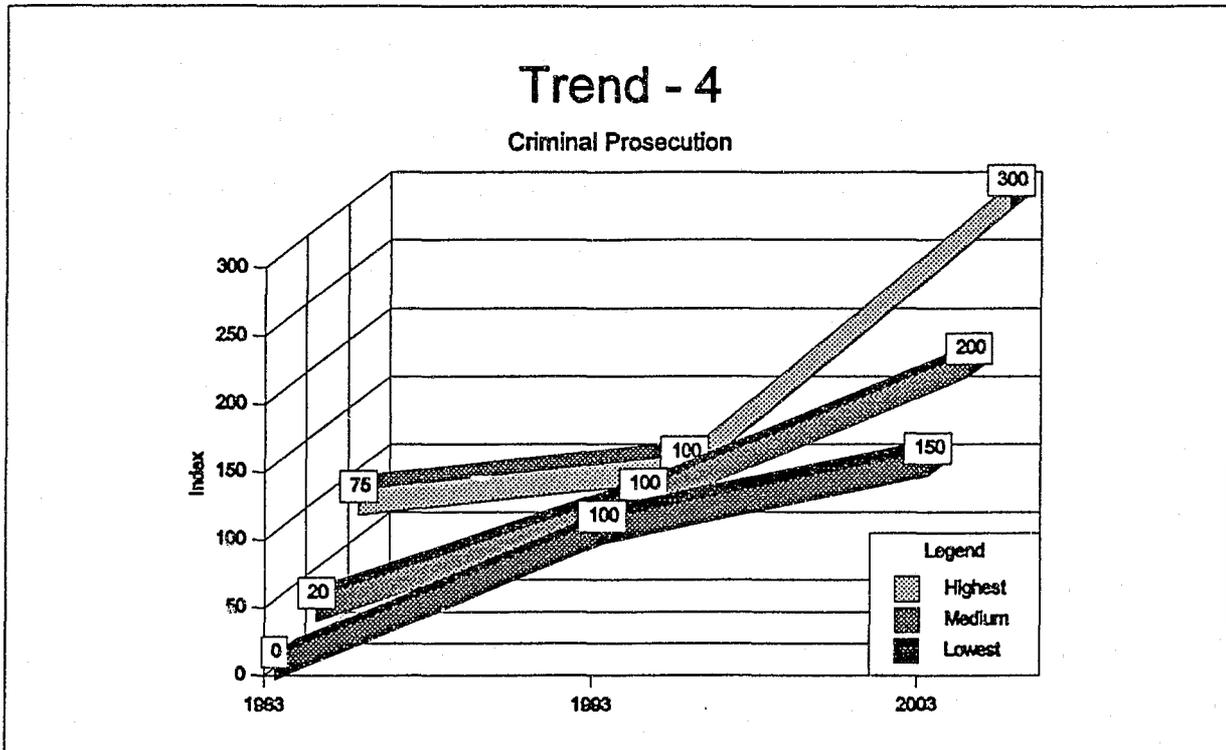
**Figure 2** Level of outside demand for participation in the police discipline process.

The panel results for this trend indicated that there has been a significant increase in the demand for outside participation in the police discipline process. The panel's median perceives a 50% increase in the demand for participation in the process today, as opposed to ten (10) years ago. The group's median forecasted that this trend will double over the next ten (10) years. The group's high, also perceived a 50% increase in demand for participation over the last ten (10) years, but forecasted that the demand would increase another 150% over the next ten (10) years. The panel's lowest perception, showed a 100% increase demand for participation over the last ten (10) years and forecasted that the rate of increase will slow to less than 50% over the next ten (10) years.



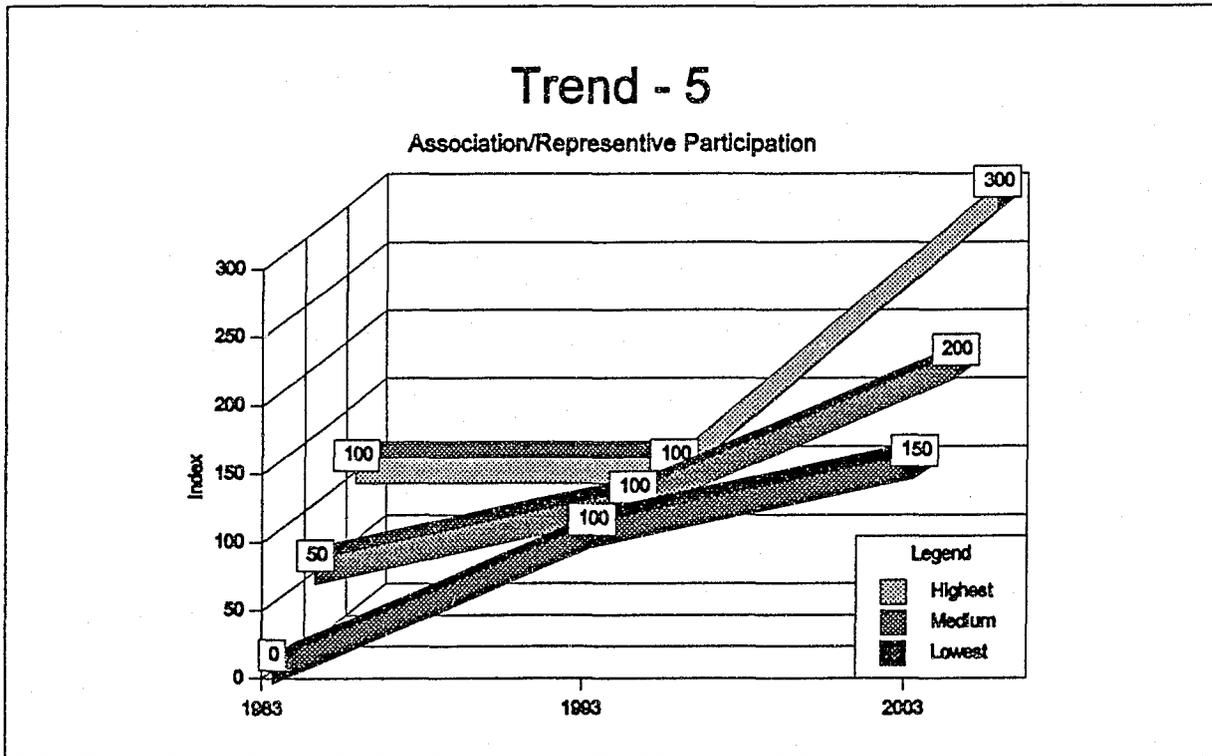
**Figure 3 Degree of impact on management's right to evaluate employee performance.**

The panel believed that there has been little change over the past ten (10) years with regard to management's right to evaluate their employees. The group forecasted that there would be better than a 25% deterioration of that right over the next ten (10) years. The group's high perceived a dramatic 150% decrease of management's right to evaluate over the past ten (10) years, with a forecast that most of those rights will be restored over the next ten (10) years. The panel's low indicated, like the panel's median, that there has not been any discernable change in management's right to evaluate employees over the past 10 years, but that those rights would deteriorate by 50% over the next ten years.



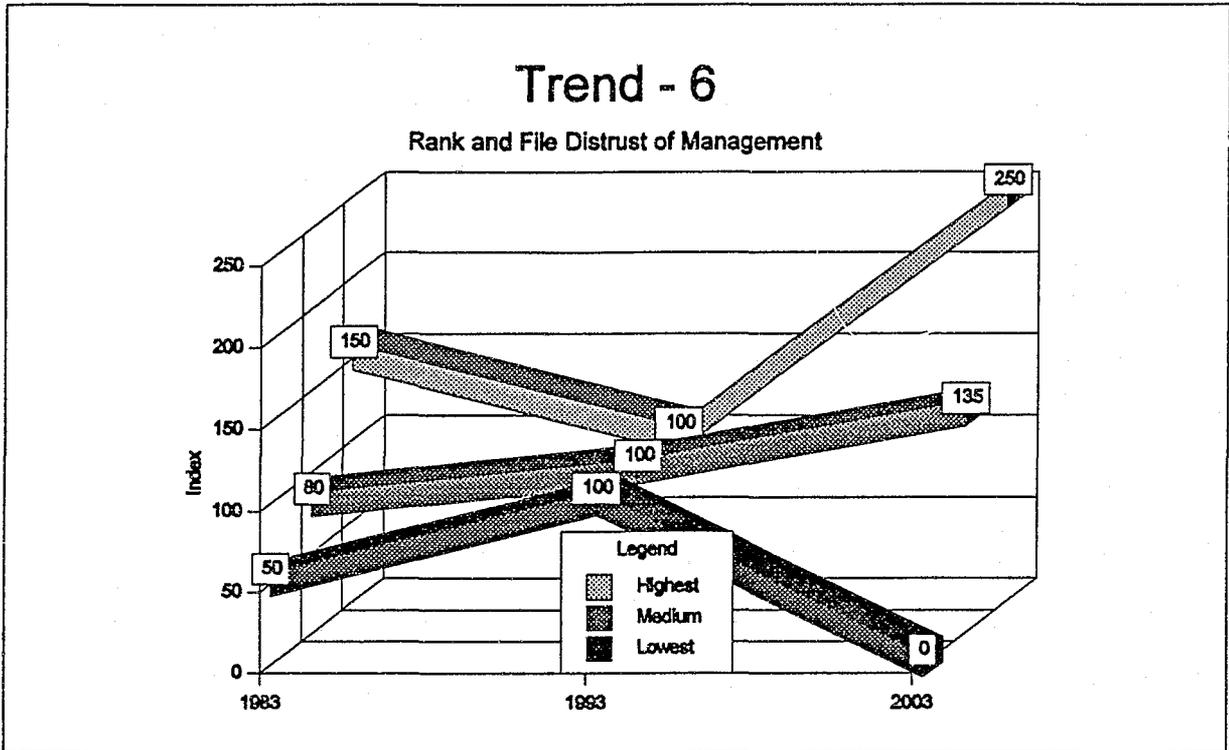
**Figure 4 Level of criminal prosecution of police misconduct.**

The panel's median perceived a better than 75% increase in the prosecution of police misconduct over the past ten (10) years and projected that the trend will double over the next ten (10) years. The panel's high indicated a 100% increase over the past ten (10) years, but only a 50% increase over the next ten (10) years. The panel's low perceived a 50% increase in the prosecution of police misconduct over the past ten (10) years, and forecasts another 50% increase over the next ten years.



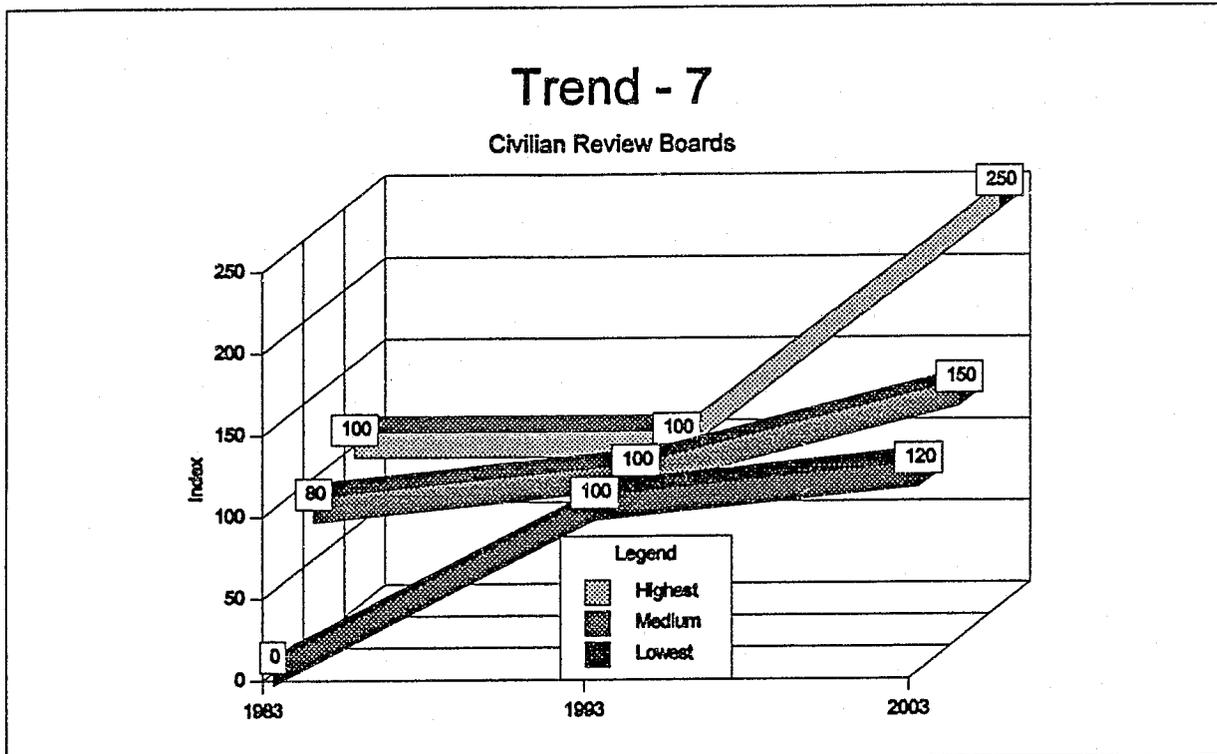
**Figure 5 Degree of participation of employee groups and representatives in the police discipline process.**

The panel's high indicated no change in employee groups and representatives participating in the police discipline process, over the past ten (10) years. The panel's median indicated a 50% increase in participation over the past ten (10) years and projects that the participation will continue to grow, doubling over the next ten (10) years. The groups high perceived that this participation would grow by 200% over the next 10 years. The low among the panel perceived that the participation of employee groups and representatives in the police discipline process has increased 100% over the past ten (10) years, but forecasted that the growth will slow to 50% over the next 10 (years)



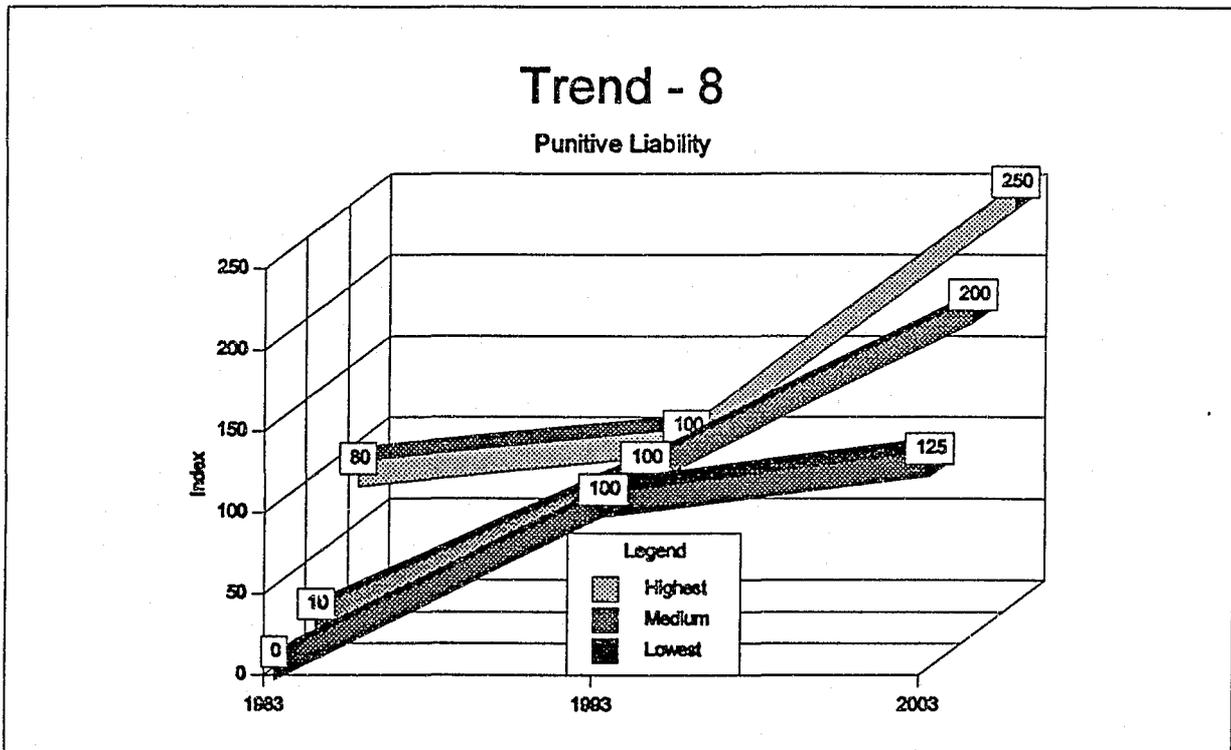
**Figure 6** Level of distrust rank and file have of supervisors and managers.

This nebulous concept was the subject of the widest variance between the panel members. The panels' median perceived a less than 25% increase in the distrust of supervisors and managers by rank-and-file employees over the past ten (10) years and forecasted that the distrust would increase by another 35% over the next ten (10) years. The group's high perceived that there was a 50% decrease in this distrust over the past ten (10) years, but projects that there will be a 150% increase in the distrust over the next ten (10) years. The panel's low indicated a 50% increase in distrust over the past ten (10) years, but forecasts that there will be a 100% decrease in that distrust over the next ten (10) years.



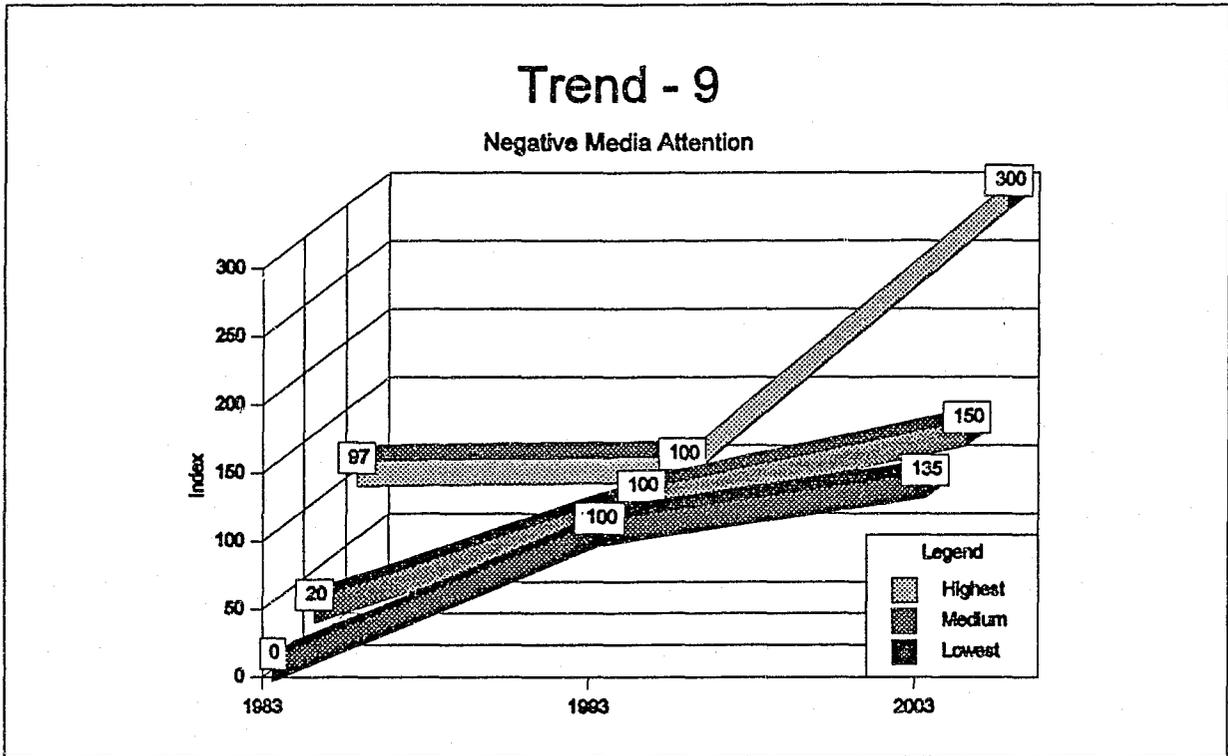
**Figure 7 Level of usage of civilian review boards.**

The entire panel was in agreement that the usage of civilian review boards has increased over the past ten (10) years and will continue to increase over the next ten (10) years. The group's median and the high perceived less than a 25% increase over the past ten (10) years, the panel's median forecasted a 50% increase in the usage of civilian review boards over the next ten (10) years, while the high among the group projected that the increase will be a dramatic 150%. The group's low perceived a 100% increase in civilian review board usage over the past ten (10) years and a less than a 25% increase over the next ten (10) years.



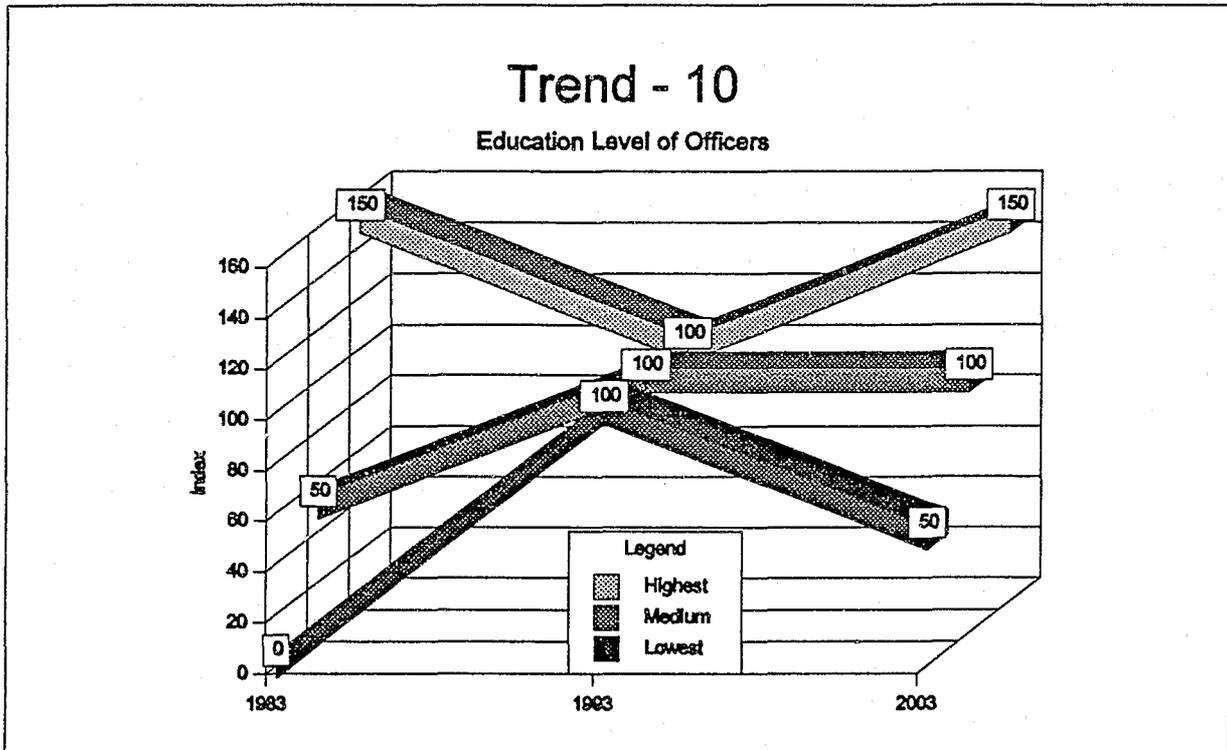
**Figure 8 Number of punitive sanctions of police managers for perceived unfairness in employee relations.**

Again the entire panel was in agreement that punitive sanctions against managers for misconduct during employee relations has increased over the past ten (10) years and will continue to increase over the next ten (10) years. The group's median and low indicated a nearly 100% increase over the past ten (10) years. The group's median projected that the increase would double over the next ten (10) years, while the group's low forecasted that the increase would only be about 25% over that same time span. The panel's high perceived a less dramatic (less than 25%) increase in liability sanctions over the past ten (10) years, but projects a 150% increase in that liability exposure over the next ten (10) years.



**Figure 9 Level of negative media attention on police misconduct.**

While the panel was in agreement that there has been an increase of negative media attention on police misconduct over the past ten (10) years and that the increase will continue over the next ten (10) years, there is quite a variation in the degree of that increase. The panel's median and low perceived a 75-100% increase over the past ten (10) years, the group's median suggested a 50% increase of that negative attention over the next ten (10) years and the groups low forecasted a more moderate increase around 35%. The panel's high perceived a very small increase in negative media attention on police misconduct over the past ten (10) years, but forecasted that the increase would sore by 200% over the next ten (10) years.



**Figure 10** Educational level of police officers.

The panel's median perceived a 50% increase in the level of police officers' education over the past ten (10) years, but projected that the education level will remain stagnant over the next ten (10) years, with no increases or decreases. The group's high perceived that there has been a dramatic decline (50%) in officers' educational level over the past ten (10) years, but that over the next ten (10) years the level will return to where it was ten (10) years ago. The group's low perceived a doubling of educational levels over the past ten (10) years and forecasted that the officers' educational level will drop by 50% over the next ten (10) years.

## EVENT FORECASTING

Panel members were next asked to forecast the future of the ten (10) top events selected during earlier phases of the process. They were asked to identify the number of years until the probability of the event occurring first exceeds zero. The panel was also asked to estimate the probability of the event occurring five (5) and ten (10) years from 1993, using a percentage scale of 0 to 100. With this scale, 0 represents that the event will not happen within the given time frame and 100 represents that the event will occur within the time frame.

### Evaluation of events:

The panel felt that grand jury reviews of police misconduct and the courts mandate of using civilian review boards, had a better than 50% chance occurring over the next ten (10) years. Case law allowing for the total discoverability of police personnel files showed a better than 50% probability of occurring in the first five years. Legislation granting law enforcement unconditional immunity from civil litigation, the elimination of the hierarchical command structure and the repeal of the peace officers bill of rights had less than a 20% chance of occurring over the next ten (10) years. The panel indicated that peers refusing to participate in a peer review process or the outlawing of law enforcement unions has only a 6% or less probability of occurring over the next ten (10) years. The panel also indicated that the likelihood of legislation passing requiring action be taken on multiple misconduct complaints, regardless of their ultimate disposition, is 25% over the next five (5) years and

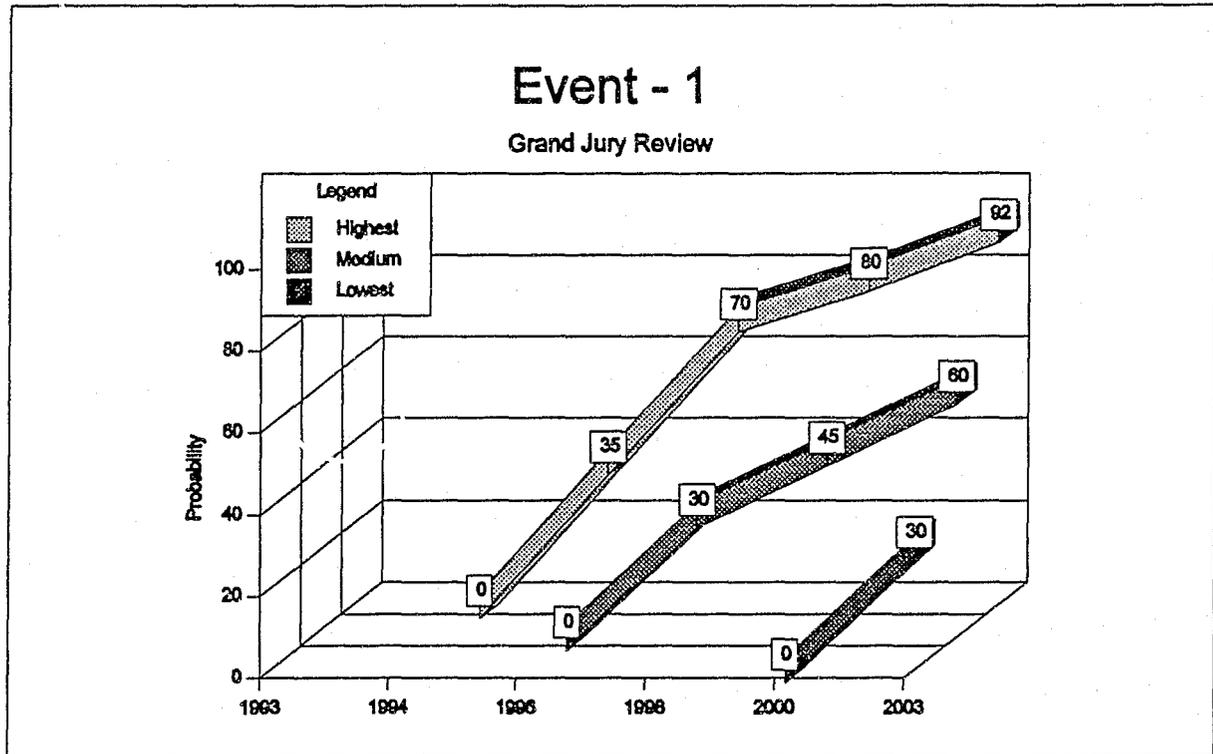
44% over the next ten (10) years. Table 2, below, using the median, as opposed to the mean, shows the group's evaluation of the events.

**TABLE 2 EVENT EVALUATION CHART**

	Event Statement	Years Until P>0	5 Years From Now (0-100)	10 Years From Now (0-100)	Positive Impact on Issue (0-10)	Negative Impact on Issue (0-10)
E1	Mandatory Grand Jury Review	4	31%	60%	4.1	5
E2	Mandatory Civilian Review Boards	4.4	37%	59%	2.7	6.6
E3	Civil Litigation Immunity	8	7%	20%	4.6	5.3
E4	Peer Refusal to Participate	3.9	21%	36%	1	8.9
E5	Total Discovery of Personnel Files	3.4	59%	71%	4	6.4
E6	Elimination of Hierarchical Structure	9	0%	10%	6	2.7
E7	Outlawing of Unions	9.4	0%	16%	5	3.6
E8	Repeal of AB-301	7.6	13%	16%	5	3.6
E9	Action on Multiple Misconduct Complaints	5.7	25%	44%	5.1	5
E10	POST Certificate Revocation	4.7	30%	52%	5	4.9

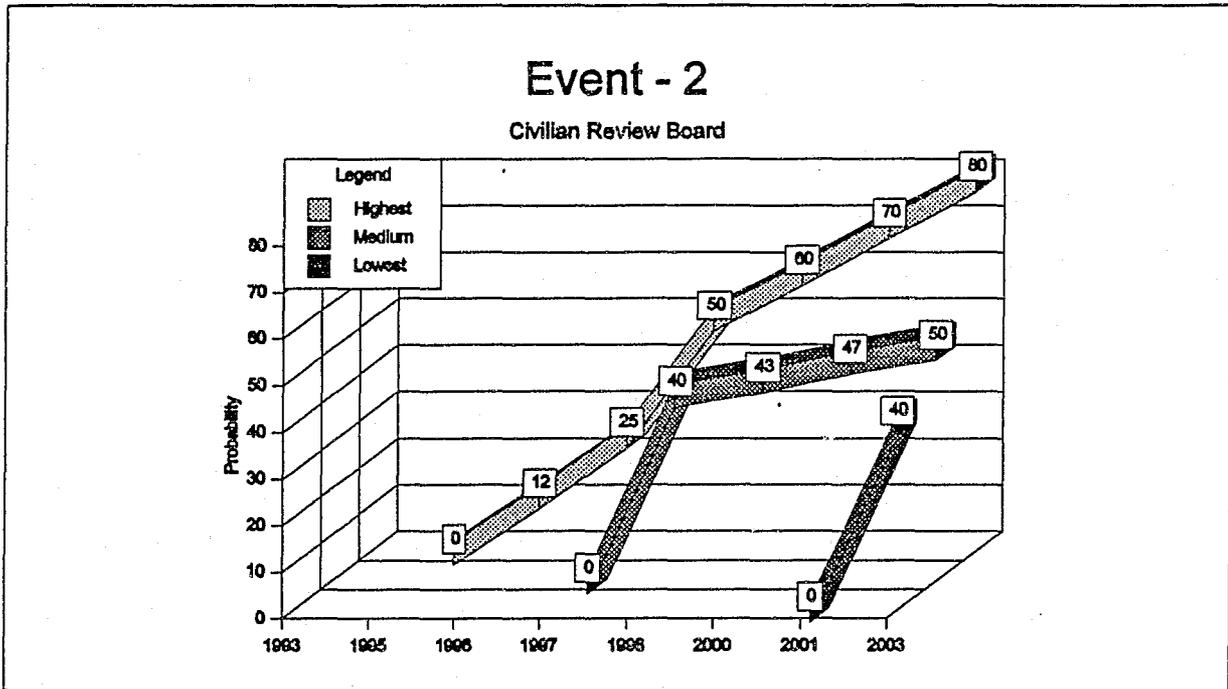
**Discussion of the range estimates:**

Graphs were prepared to show the range of forecasts and to clarify the data collected from the NGT panel members.



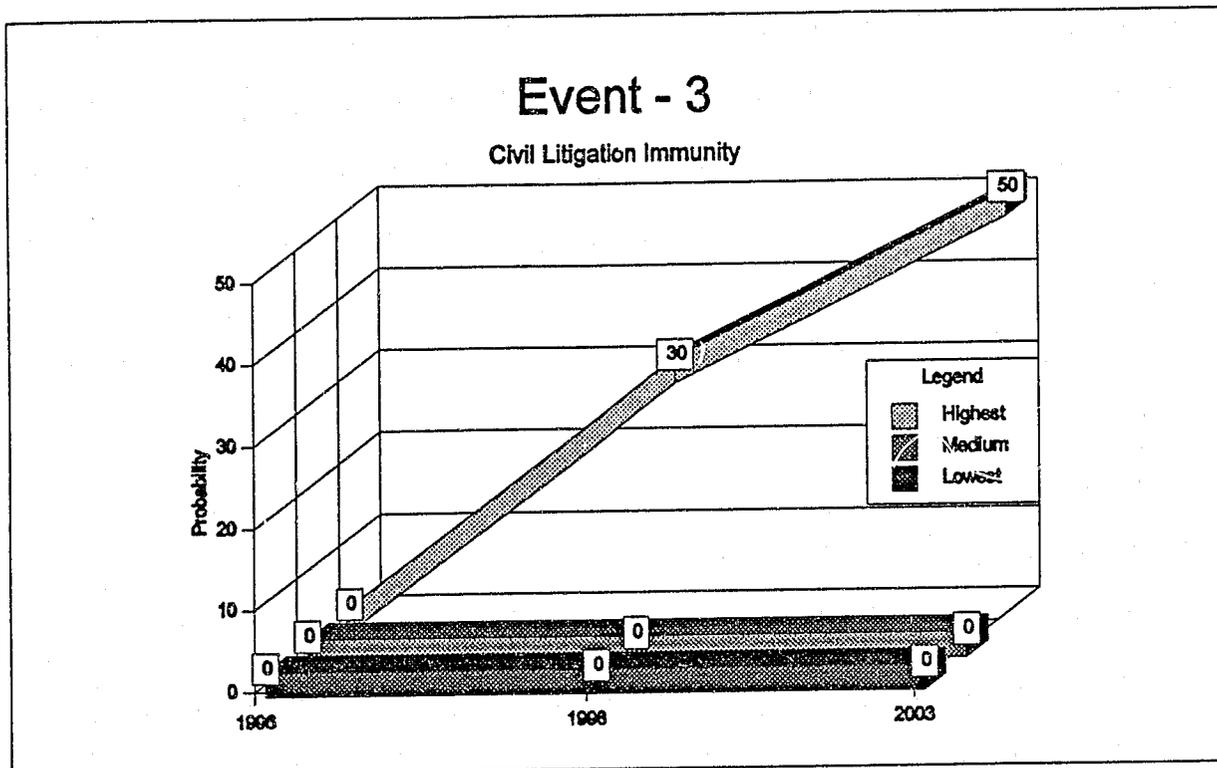
**Figure 11 Mandated grand jury review of police use of force.**

The group's median indicated that the likelihood of a mandated grand jury review of police use of force could first exceed a zero probability after three (3) years. They indicated that there is a 30% chance of the event occurring five (5) years and a 60% chance of occurring within ten (10) years. The panel's high indicated that grand jury review mandate has a 90% chance of occurring within ten (10) years and the panel's low indicated only a 30% chance of that event occurring within ten (10) years. The occurrence of such an event, would not necessarily impact the issue or sub-issue questions. Both grand jury review and peer review could exist unilaterally. One would not necessarily effect the other.



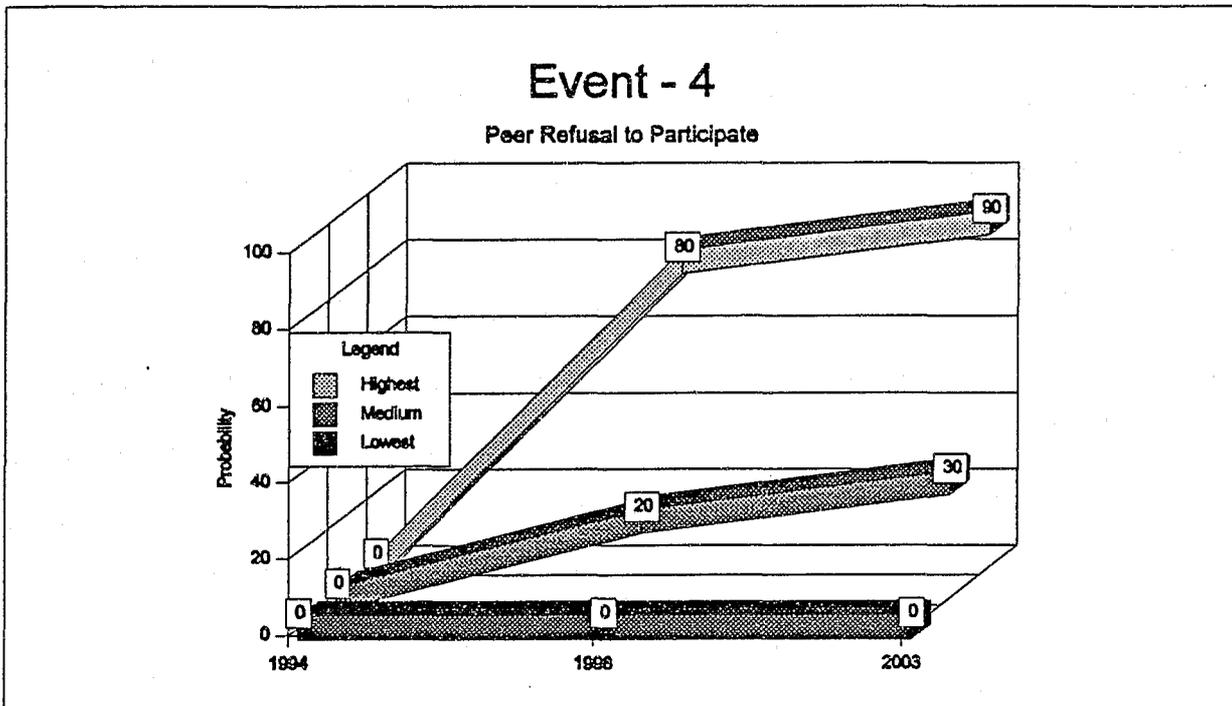
**Figure 12 Courts mandate the usage of civilian review boards.**

The panel's median indicated that the likelihood of courts mandating the usage of civilian review boards could first exceed a zero probability after five (5) years. They indicated that there is a 40% chance of the event occurring in six (6) years and a 50% chance of the event occurring within ten (10) years. The panel's high forecasted that the probability that courts may mandate civilian review boards could exceed zero within a year and that there is an 80% chance that they will mandate the review boards within 10 years. The panel's low see only 40% chance that the event will occur over the next ten (10) years. Should such an event occur, its impact on the issue and sub-issue questions would be significant. A system would have to be developed to allow peer review and civilian review to coexist. Possibly the creation of a review board made up of a mixture of peers and civilians would satisfy the dilemma.



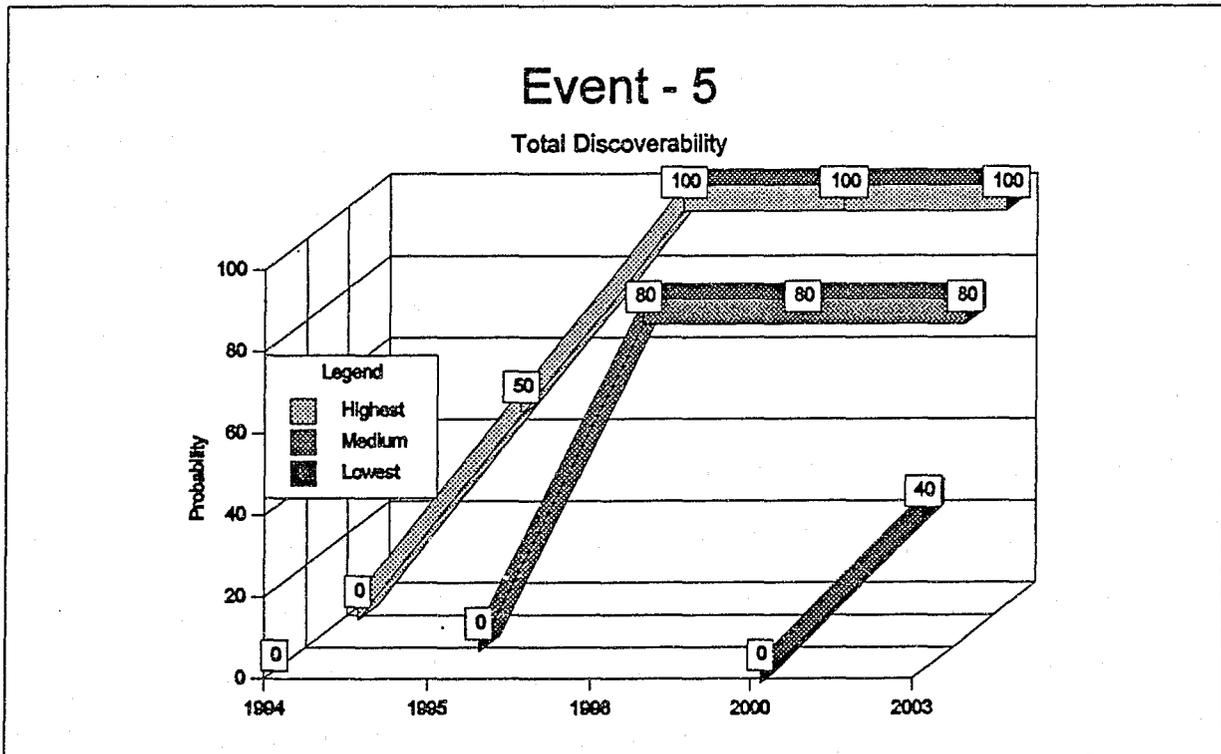
**Figure 13 Legislation granting law enforcement unconditional immunity from civil litigation.**

The panel's median and low indicated that it is very unlikely that there will be any legislation passed, over the next ten (10) years, that will grant law enforcement unconditional immunity from civil litigation. The groups high forecasted that there may be only a 30% chance of this event occurring over the next five (5) years and a 50% chance over the next ten (10) years. According to NGT panel, it is not very likely that this event will occur. Should it occur, it would increase the need for a strong viable review system for police misconduct and could impact positively on the issue and sub-issue questions.



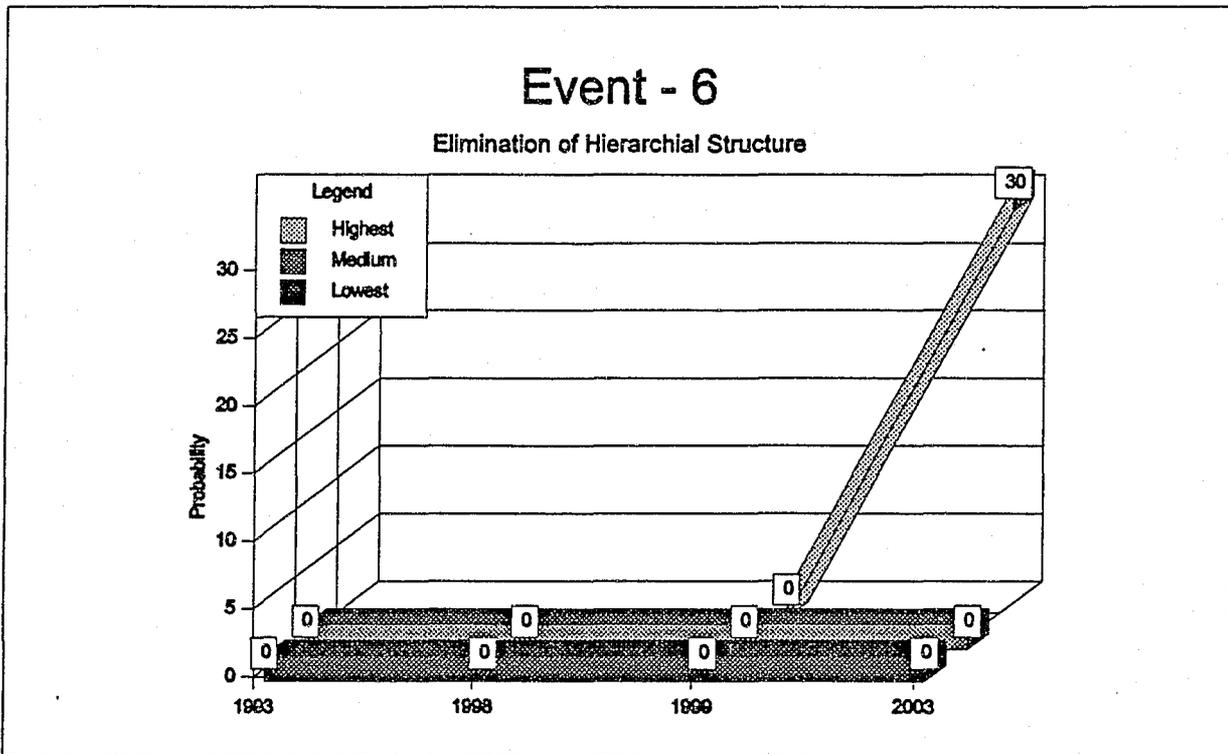
**Figure 14 Refusal of peers to participate in a peer review process.**

The groups median and the high indicated that this event would first exceed a zero probability of occurring within a year. The group's median feels that the probability that peers will refuse to participate in a peer review process within the next five (5) years is 20% and within the next ten (10) years is 30%. The group's high indicates that the probability of peers refusing to participate in a peer review process within five (5) years is 80% and within ten (10) years is 90%. The panel's low indicates that it is unlikely that peers will refuse to participate in a peer review process within the next ten (10) years. Though there appears to be a rather low probability of this event occurring, its occurrence would have a significant impact on the issue question. A peer review system cannot exist in an atmosphere where people are reluctant to serve on the panel. Steps must be taken to make such positions desirable.



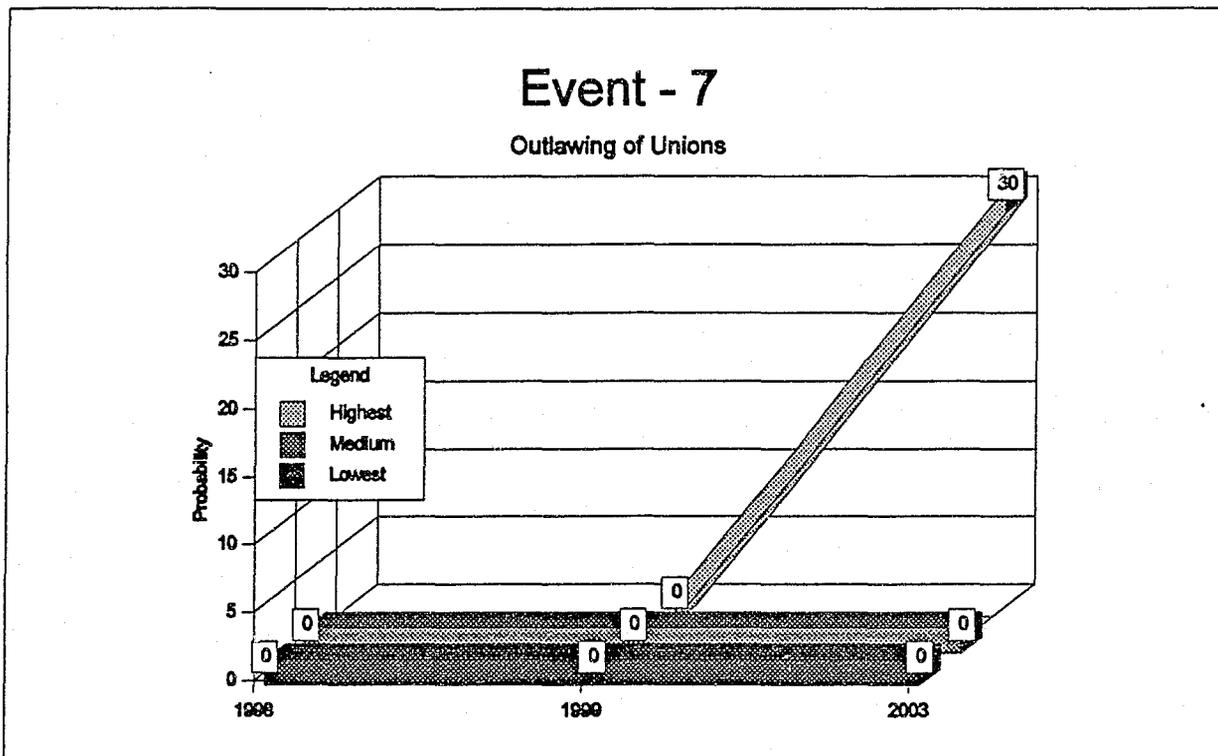
**Figure 15 Case law allows for the total discoverability of police personnel files.**

The panel's median indicated that the total discoverability of officers personnel files might first exceed zero probability within a year. They indicated that there is an 80% probability that such case law might surface within five (5) years. The groups high indicated that there is 100% probability of such case law occurring within five (5) years. The groups low did not think that it is likely that case law will occur allowing for the total discoverability of officers personnel files before the year 2000. The groups low indicated that the probability of that event occurring over the next ten years is 40%. The total discoverability of police personnel files might significantly increase the desire and need for a participatory police misconduct review system in order to offset the negative impact the occurrence of such an event would have on employee morale.



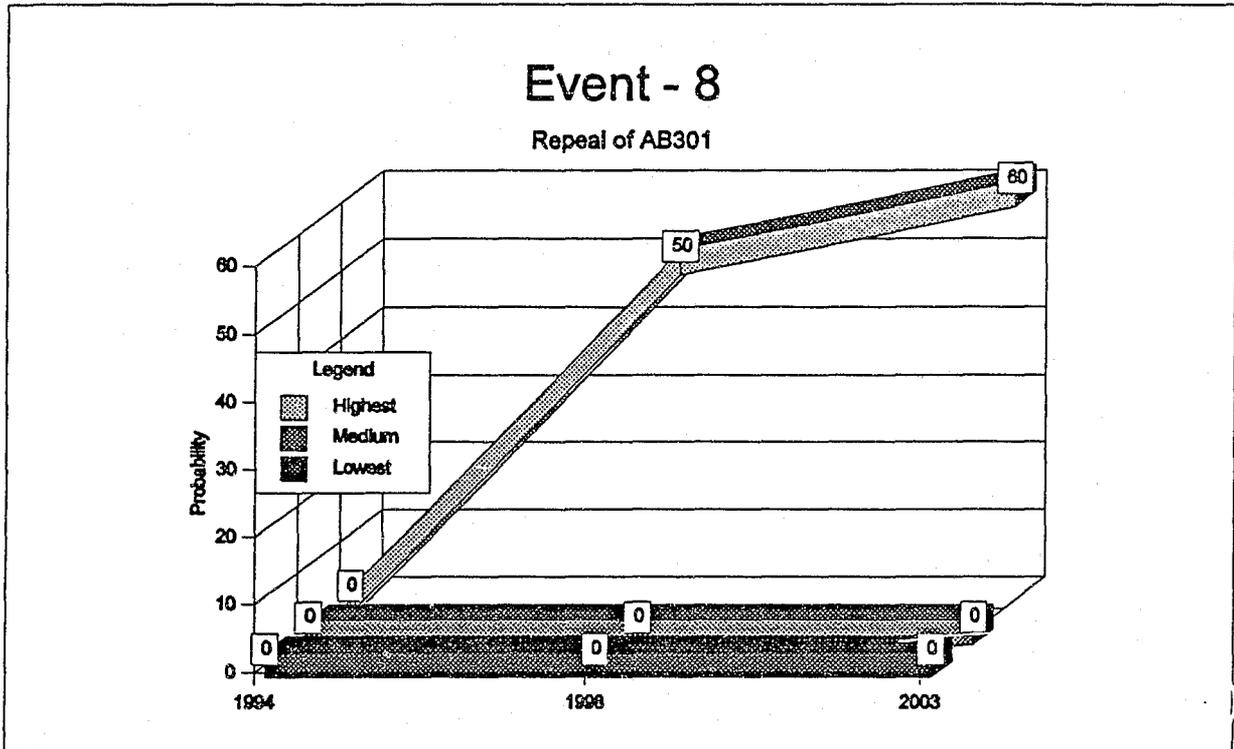
**Figure 16 Elimination of hierarchical command structure.**

The panel's median and low both indicated that it is highly unlikely that law enforcement's hierarchical command structure will be eliminated over the next 10 years. The groups high indicated that this event might first exceed zero probability of occurring by the year 1999 and that the probability of it occurring over the next ten (10) years is 30%. While the NGT panel found it very unlikely that law enforcement would abandon its hierarchical structure, the occurrence of such an event would have a profound effect on the issue question. The flattening of organizations necessitates the pushing of decision making power to lower levels of the organization. A peer review of police misconduct would fit well into this type of a system.



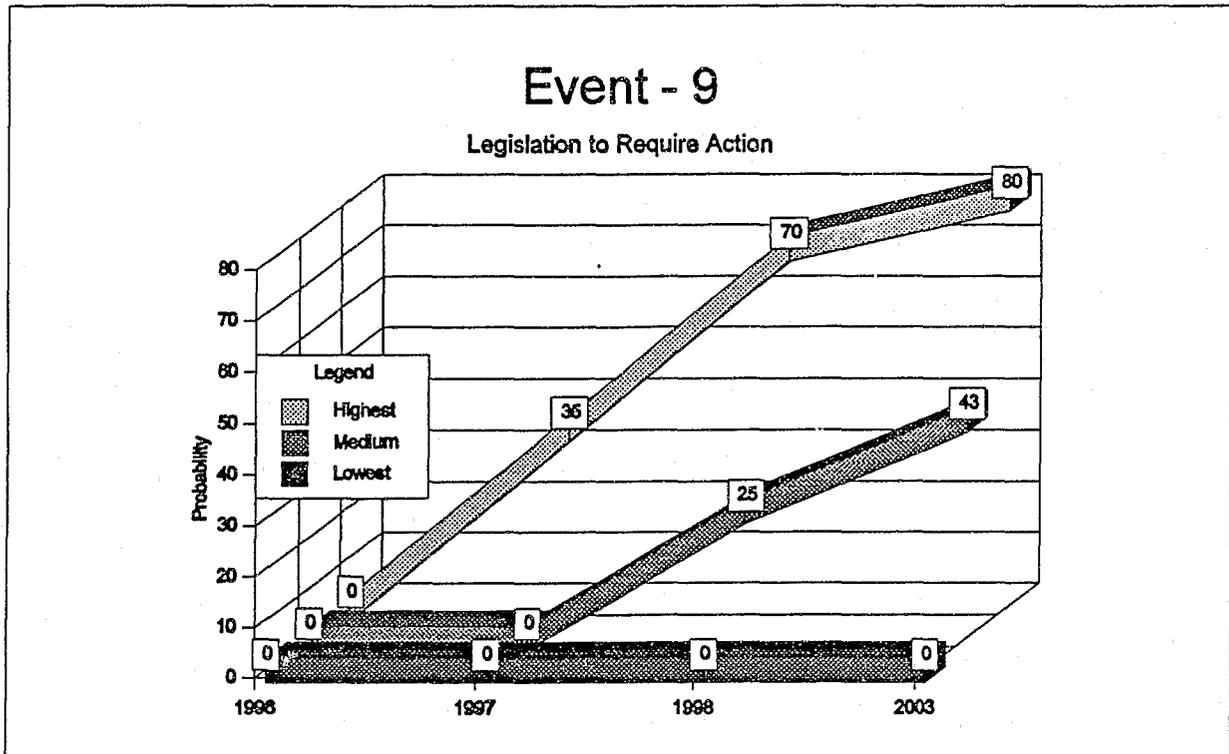
**Figure 17 Law Enforcement unions outlawed.**

The panel's forecast of the probability of police unions being outlawed was identical to their forecast of event six. The panel's median and low both indicated that it is highly unlikely that law enforcement unions will be outlawed over the next ten (10) years. The group's high indicated that this event might exceed a zero probability of occurring by the year 1999 and that the probability of it occurring over the next ten (10) years is 30%. Although it is unlikely to occur, this event would have a significant impact on the issue and sub-issue questions. Much like the total discoverability of police personnel records, the banning of police unions would have a profound effect on employee morale. The need for a participatory discipline system would increase as a way of offsetting the negative impact of such an event.



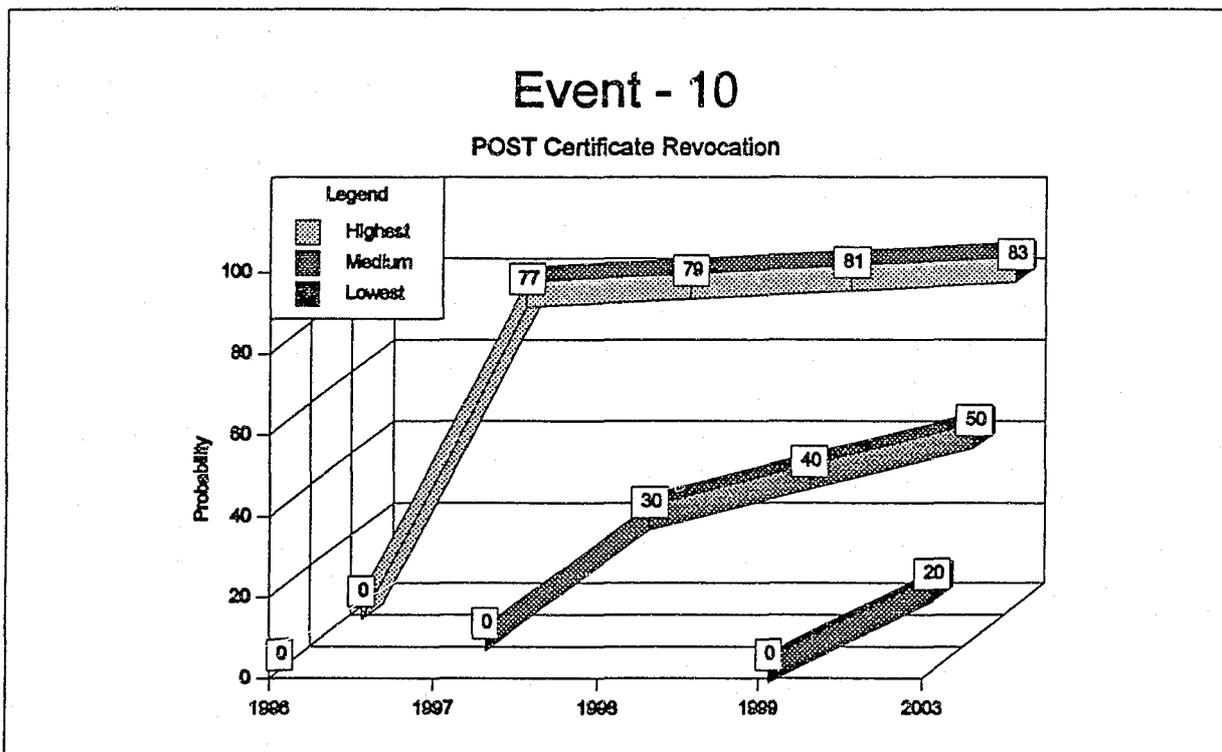
**Figure 18 The Peace Officers's Bill of Rights (AB-301) is repealed.**

The panel's median and low both indicated that it is unlikely that the Peace Officer's Bill of Rights (AB301) will be repealed over the next ten (10) years. The group's high indicate that the repeal of AB301 could first exceed a zero probability of occurring within a year and that there is better than a 50% probability of it occurring within the next five (5) years. The group's high indicated that the probability increased to 60% over the next ten (10) years. Again, the occurrence of such an event would have a devastating effect on employee morale. In order to offset negative impact of this event, law enforcement administrators would have to search other means of empowering their employees. Peer review of police misconduct, would be one such method.



**Figure 19 Legislation requires that action be taken on multiple misconduct complaints regardless of their ultimate disposition.**

. The panel's median indicated that legislation requiring action to be taken on multiple complaints of misconduct, regardless of whether or not those complaints are found to be true could first exceed zero probability of occurring as early as 1997. The panel's median indicated that there was better than 20% probability that such legislation would pass within five (5) years and a better than 40% chance of occurring within 10 years. The panel's high forecasted that the probability of the event occurring within five (5) years is 70%, which would increase to 80% over ten (10) years. Such legislation, much like the mandatory grand jury review, could exist unilaterally with a peer review system for police misconduct. Such legislation, however would probably increase the desire for a participatory discipline system, in order to increase accountability.



**Figure 20 Legislation requires the revocation of POST certificates for multiple sustained complaints.**

The panel's median indicated that legislation requiring Peace Officer Standards and Training (POST) to revoke POST Certificates, held by officers who accumulate a multitude of sustained misconduct complaints, might first exceed a zero probability of occurring by the year 1997. They also indicated that there is a 30% chance that such legislation will pass within five (5) years and nearly a 50% chance within ten (10) years. The group's high indicated that such legislation had better than 30% probability that the event will happen within five (5) years and a better than 80% chance over the next ten (10) years. Such an event occurring could have a positive effect on the issue and sub-issue questions. Peer review of police misconduct could be expanded to the state level, thus giving the POST Commission a mechanism to accommodate their new mandate.

## CROSS-IMPACT ANALYSIS

A cross-impact analysis was completed by the researcher. The cross-impact estimates the impact of events upon events. The impacts were given values of negative 100 to positive 100 based on the relative impact (positive or negative) the studied event combination would have on the topic issue, if it occurred.

Due to time limitations, the original panel was not asked to do cross-impact analysis. A member of the panel and the panel's recording secretary, along with the researcher met at a later date to complete cross-impact analysis on how events might impact each other. A computer program, X-mpact, designed to be used with a spreadsheet style program, was used to calculate the final impact probability of each event. Below is a chart that depicts those calculations:

TABLE 3											
10 X 10 Cross-impact Matrix											
10 = Number of Events											
Initial Probability	E1 60	E2 59	E3 20	E4 36	E5 71	E6 10	E7 6	E8 16	E9 44	E10 52	Final Probability
E1 60	X	-50	50	0	-20	20	35	35	-20	20	E1 38
E2 59	-50	X	50	0	-30	40	30	30	-20	10	E2 25
E3 20	10	10	X	0	10	-20	10	10	10	10	E3 49
E4 36	-15	-15	-20	X	20	-20	30	10	-10	-10	E4 20
E5 71	-10	-10	40	0	X	-10	30	10	10	-10	E5 69
E6 10	15	15	-10	0	10	X	20	20	5	5	E6 42
E7 6	-2	-2	10	0	-5	10	X	10	-5	-5	E7 -0
E8 16	-5	-5	40	0	-10	50	-10	X	-10	-5	E8 8
E9 44	-10	-20	50	0	-10	40	20	-5	X	-5	E9 31
E10 52	5	5	20	0	-5	30	20	-5	-5	X	10 60

**E2** (Courts mandate the usage of civilian review boards) was negatively impacted by most of the other trends. Prior to the cross-impact analysis, the event had a 60% probability of happening over the next ten (10) years. Applying the cross-impact analysis reduced that probability to 25%. **E1** (Mandated grand jury review of police use of force) had the greatest negative impact on **E2**. If grand juries began routinely reviewing the use of force by police, the community probably would find less need for civilian review boards. Likewise, **E5** (Case law allows total discoverability of police personnel files) had a significant negative impact on **E2**. The total discoverability of police personnel files would make public, much of which is sought through civilian review boards, thus lessening the need for such boards.

Conversely, **E6** (Elimination of hierarchical command structure) was positively impacted by most of the other events. Prior to the cross-impact analysis, the event had a 10% probability of occurring over the next ten (10) years. Applying the cross-impact analysis increased that probability to 42%. If **E7** (Law enforcement unions outlawed) or **E8** (The Peace Officers Bill of Rights (AB301) is repealed) were to occur, the need or desire for a hierarchical command structure would lessen. Law enforcement could move more expediently towards a flatter organizational structure if unions were outlawed and/or AB301 was repealed.

**E5** (Case law allows for total discoverability of police personnel files) was the least impacted by other events. Prior to the cross-impact analysis the event had a 71% probability of occurring over the next ten (10) years. Applying the cross-impact analysis

only changed the events probability by 2%, reducing the probability that police personnel records will be totally discoverable to 69%.

## **DEVELOPMENT OF SCENARIOS**

The data generated in the NGT and the forecasting process was used to develop various scenarios. An aid to developing these scenarios was a computer program known as SIGMA. SIGMA is a scenario generator that produces scenarios of future events based on the forecasted events generated during the NGT, as well as the cross-impact data. More than 50 different scenarios were generated through the use of SIGMA.

Three scenarios were developed to represent three possible futures. The **Nominal Scenario** suggests what will likely occur if nothing unusual intervenes to alter the present course of the issue studied. The **Hypothetical Scenario** suggests what might occur in the "worst case" outcome. The **Normative Scenario** suggests what might occur if we take steps to manage the issue creating a desirable and attainable future. The three scenarios read much like a newspaper report. The SIGMA print out of the three chosen scenarios can be found in appendix F.

### **The Nominal Scenario:**

With growing media attention on police misconduct, the California Legislature, in 1994, passed a bill which mandated that county grand juries regularly review use of force by law

enforcement personnel in their jurisdiction (E1). This was quite a tall order here in Los Angeles County but, by significantly increasing the size of the Grand Jury and dedicating a portion of that body to the random review the various law enforcement use of force, a workable program was established. In an attempt to allay the negative effects of the increased prosecution of police misconduct cases, caused by the 1994 mandated grand jury review of police use of force and the 1997 court case which mandated the use of civilian review boards (E2), an enlightened effort of empowering the rank-and -file personnel was enacted. The Inglewood Police Department did away with the traditional hierarchial command structure, in favor of a more flattened, individually empowered organization (E6).

As part of the reorganization and as a component of community oriented policing the Inglewood Police Department, like many of their counterparts around the state, instituted the use of peer review boards for examining police misconduct. The peer review boards, much to the surprise of many, were more stringent regarding police misconduct and the inappropriate use of force, than were either the grand jury review process or the various civilian review boards. Although more stringent, the peer review board's decisions were widely accepted by all members of the law enforcement community. Indeed, there seemed to have been a two year hiatus from the negative press which seemed to envelop police misconduct cases. That hiatus ended abruptly, in 1999 when a court ruled that the members of a peer review board were personally liable for the financial losses of an officer who had his job terminated, as a result of a peer board decision. That case decision sent

shock waves through the law enforcement community and resulted mass refusal of law enforcement personnel to serve on peer review boards (E4).

During the last five years of the twentieth century, numerous California cities and a few counties filed bankruptcy, due to ever increasing cash awards in civil police misconduct cases. Punitive damages against individual peace officers increased at the same alarming rate, causing an unprecedented statewide job action, by organized peace officers. The job action consisted of officers turning a deaf ear and a blind eye. They began following a philosophy that if you did not make any arrests, and limited your contact with the public, you would diminish your likelihood of being sued. This job action was the antithesis of community oriented policing.

This combination of fiscal and labor pressure, in 2001, caused the California Legislature to pass a bill which gave police officers and their agencies complete civil immunity for any action taken within the scope of their duties (E3). That Bill was lauded as the single most morale building event to impact law enforcement, over the past ten years. That zenith lasted less than two years, the California 9th District Appeals Court, during January 2003, ruled that peace officers in the state, by virtue of being employed by public entities, no longer had any reasonable expectation of privacy, with regard to their personnel records (E-5). The ruling, which essentially said that peace officer personnel records are no different than any other public record and therefore subject to complete discoverability, evoked strong comments from police labor leaders around the state. Alicia Valez-Wade,

President of California Peace Officer's Association (CPOA) said that she is completely perplexed. Valez-Wade predicts that this ruling will be used by criminal defendants to mitigate their criminal activity by bringing forward negative items found in arresting officers' personnel files.

Many members of the law enforcement community are fearful of the fallout from this latest court decision. While officers are still shielded from civil penalties, criminal and internal sanctions for misconduct have remained stringent. It is feared that the embarrassment and frustration of having their personnel files open for public review, may cause a revisit of the turmoil which was present prior to the passing of the Peace Officer Immunity Bill.

### **The Hypothetical Scenario**

Fallout from the 1991 Rodney King incident and the ensuing 1992 Los Angeles Riots has caused the increased scrutiny, of law enforcement conduct, to continue escalating throughout the state of California. This heightened scrutiny caused a lot of negative press, which also spread throughout California. It is speculated that public opinion stemming from the increased scrutiny and publicity had a behind the scene affect on the California Supreme Court. In June 1995, the Court majority ruled, that due to the fact that peace officers are granted an extraordinary amount of authority, the rights of the people to regulate the peace officers, out weighs the peace officers right to privacy and ruled that all peace officer personnel files are totally discoverable in all court proceedings (E5).

The Supreme Court ruling had a chilling effect on California Law Enforcement. Morale had already been at an all time low, and now police officers could look forward to enduring the embarrassments and related stresses of having their personnel records reviewed and made public every time they testified in court. Filing discovery motions for police officers personnel records became a favored tactic of both public and private defense lawyers. Police departments throughout the state had to dedicate more of their shrinking staff and resources to managing and responding to the over abundance of discovery motions. It became apparent, in some instances, that officer failed to pursue criminal cases because they did not want to have to comply with the inevitable discovery motions.

The total discoverability of police officer's personnel records also served as a catalyst for further negative publicity. The California Legislature soon was getting pressure from various factions to take action when police officers received multiple complaints of misconduct, regardless of the final disposition of those complaints. In August of 1996, the legislature passed such a bill, relying on the adage that "where there is smoke, there is fire." The legislation mandated that California's Commission on Peace Officer Standards and Training (POST) review the status of peace officers who accumulate multiple complaints and revoke POST Certificates, when appropriate (E9, E10).

The legislation related to the review of multiple misconduct complaints was so vague, that much of the action taken by POST, with regard to the revocation of POST Certificates, appeared to be arbitrary and capricious. The crux of the problem was that the legislation

provided significant power to the POST hearing boards and did not allow for any procedures that would assure fairness for the accused peace officer. This legislation opened the floodgate for numerous false complaints against police officers. The seedier elements of society soon learned that they could mitigate offenses and retaliate against officers by filing false misconduct complaints. Again, more valuable staff time was devoted to dealing with the complaints and whole new level of bureaucracy was created (POST Review Panels) to carry out the mandate of the legislation. Meanwhile, law enforcement morale continued to plummet along with their effectiveness.

Following the establishment of POST hearing boards, to review allegations of police misconduct, California experienced two years of a sky rocketing crime rate. Officers having either experienced or heard about the "kangaroo court" procedure stopped being risk takers. The complete discoverability of police personnel files exacerbated the situation because it made it easier for hungry litigation attorneys to file law suit against officers and the entities which employed them. Police officers became so overly cautious that they became ineffective. While crime continued to climb, numbers of arrest continued to decline.

Law enforcement administrators, in 1999, were still trying to instill true community oriented policing . They did not seem alarmed by continuing decline in arrests, while the crime rate climbed. The divergence was attributed to the transition from traditional policing to community oriented policing. The administrators failed to realize that two very important

components were missing from their community oriented policing model. Those components were empowerment of the street level police officers and encouragement of risk taking. While some administrators realized what the problem was, they really had no control over the situation because the restrictions were coming from either the legislature or the courts.

In April of 1999, a California Appellate Court, thinking that it was promoting community oriented policing, mandated the establishment of civilian review boards in all California jurisdictions (E2). The activist court thought it could force community oriented policing to happen, by empowering the community and giving the community more control over their police departments. Again, they failed to put any controls in place to insure fair and impartial treatments of the peace officers. Law enforcement throughout California felt set upon, and while they had a desire to do their jobs, every turn in the road seemed to push them towards ineffectiveness. Those who worked hard and took risks were rewarded by being brought before either a bureaucratic or civilian review board or by being sued. Those who did the minimum, answered their radios and avoided conflicts at all costs, were rewarded by being left alone and collecting their generous pay checks. The crime rate went unchecked and community oriented policing remained a paper tiger.

#### **The Normative Scenario:**

In California, the law enforcement community has been under a great deal of scrutiny over the past five or six years. The scrutiny began building after the 1991 Rodney King brutality

case and encompassed the Christopher Commission, the Kolts Report and the official analysis of the 1992 Los Angeles Riots. As a result of these various investigations, coupled with a continual concern of the unnecessary use of force by police, particularly in minority communities, the California Legislature passed a law requiring that the California Commission on Peace Officer Standards and Training (POST) revoke the POST certificate of officers who accumulate multiple sustained misconduct complaints (E10).

In order to accommodate that legislative mandate, the POST Commission, in July 1994, asked all law enforcement agencies to devise a method to scrutinize their files and forward "appropriate" cases to be reviewed. The Inglewood Police Department used this vague language as an opportunity to set up a peer review board. The Chief of Police and the President of the Police Association came to an agreement on how to pick a balanced panel. Part of the legislation requires entities to track sustained misconduct cases. Once an officer accumulates a prescribed number of sustained complaints, a peer review board holds a hearing to determine whether or not the case is "appropriate" to be forwarded to POST.

While news of the legislation mandating the revocation of POST certificates made much of the law enforcement community uncomfortable, that legislation was followed within three months by legislation granting unconditional immunity for law enforcement, from all civil litigation (E3). The purpose of that legislation was two fold. First, the fiscal reality of the situation was that public entities such as cities, counties and the State, could no longer pay

the ever increasing monetary awards, that civil juries were issuing. The litigation costs in and of themselves had become prohibitive. Second, the Legislature felt that the POST certificate revocation system, coupled with the internal disciplinary process of each entity was strong enough to discourage improper conduct. Criminal prosecution, of course, was not affected by the immunity law.

While, according to most indicators, the POST Certificate revocation system and the immunity from civil litigation seemed to be a good balance, there were certain segments of the community that felt there was not enough public disclosure regarding police misconduct. In ensuing years, this issue was addressed by case law which allowed for the total discoverability of police personnel files in all court proceedings (E5) and legislation which mandated grand jury review of police use of force (E1). Although some law enforcement personnel found these two events troublesome, the majority accepted them as a necessity. The feeling was that the immunity from civil litigation had allowed them to be more effective in the performance of their duties; and in order to maintain that effectiveness they needed to keep an appearance of being open and up front, with the community. The total discoverability of police personnel files and the grand jury review of police use of force provided the profession an appearance of full disclosure.

When personnel of various ranks were appointed to the Inglewood Police Department's review boards by their Police Chief, they felt empowered, empowered to take control of, and become accountable for, the integrity of their profession. The positions on the

Department's peer review boards became very prestigious and coveted positions. This coupled with the total acceptance of community oriented policing caused significant philosophical changes and a major paradigm shift.

The shift in paradigms and the change in law enforcement basic philosophy caused the Inglewood Police Department to start eliminating the hierarchical command structure, in early 1998 (E6). Empowerment became the aphorism of the nineties. The Inglewood Police Department began to flatten and pushed more and more decision making to lower levels. The community truly became part of their police department instead of apart from their police department.

## **CONCLUSION**

The study methodology brought together a diverse group of law enforcement experts and professional psychologists for the expressed purpose of forecasting what the status of a peer review systems for police misconduct will be by the 2004. The nominal group technique provided a proven format for stimulating and recording the brain storming session, without unduly influencing the learned opinions of the panel members.

The discussion and process revealed that with regard to law enforcement discipline in general and a peer review system in particular, there is concerns about the deterioration of managements right to discipline. That would seem to indicate that a good balance of management, supervisory and line personnel might be best for a peer review boards

structure. While the cross-impact analysis lessened the impact, civilian participation in the process was also indicated.

The process revealed that in the interesting future, there may be a place for a peer review system of police misconduct, but that system needs to be carefully designed in order to satisfy the concerns of all the stakeholders. Management, line personnel and the community at large are the major stakeholders, each of their interest must be taken into consideration when designing such a system.

## SECTION II

### MANAGING THE FUTURE

#### DEVELOPING A STRATEGIC PLAN AND NEGOTIATING TO ACHIEVE THE DESIRED FUTURE

##### INTRODUCTION

This section focuses on the development of a strategic plan that favorably impacts the selected scenario, the Normative Scenario. The NGT and forecasting processes were previously used to identify possible futures as they relate to the issue: **"What will be the status of peer review systems for police misconduct by the year 2003"**. Following a detailed analysis of current trends and potential future events, the NGT panel selected ten trends and ten events they felt would have the highest probability of occurrence and which would have the greatest impact on the status of a peer review system for police misconduct by the year 2003. The panel then forecast how these events would impact each other and the topic issue, providing data upon which scenarios for the future could be generated.

Conclusions drawn by the process suggest that, by acting early, it will be possible to select, manage and nurture the development of an effective, responsive peer review system for police misconduct, thus improving the potential of achieving the most desirable future for the organization.

This section represents the next phase of the planning process and involves the preparation of a strategic plan which will influence the future and aid the organization in achieving the desirable future. The intention of this plan is to develop strategies that will serve to create an environment of accountability and trust with respect to a peer review system for police misconduct. Strategies will be presented that will enable the organization to readily accept and support the proposed changes. With that objective in mind, the following mission statement for the model agency, relative to the issue question, was developed by the researcher.

#### MISSION STATEMENT

***The Police Department is dedicate to providing a harmonious work environment which fosters trust and accountability. We shall pursue our duties with a focus toward initiative, team work and professionalism at all times.***

***We will maintain an attitude of courtesy and objectivity toward people in all***

***contacts. The Department will assure the highest degree of sensitivity, cultural and human rights awareness among its members. These goals will be achieved by:***

- \* Continually assessing the manner in which we interact, both within the Department and with the community.***
- \* The Department will provide effective policy and procedures, in order to guide members in a skilled and ethical fashion.***
- \* Peer review board members shall always strive to be objective, while keeping in mind their ethical responsibilities to the Department and the community.***
- \* Peer review board members shall always maintain the confidentiality of the portions of their duties deemed confidential.***
- \* The Department will maintain an exceptional degree of individual accountability for members at all levels of the organization.***

## ENVIRONMENTAL ANALYSIS

For the purposes of this study the City of Inglewood Police Department was selected as the model City and Department. Inglewood, California is a suburb of Los Angeles located three miles due east of the International Airport and approximately seven (7) miles west of downtown Los Angeles. Inglewood is a city of approximately 8.5 square miles, census reports documented a resident population of over 100,000 in 1990. The City is governed by an elected City Council composed of a Mayor and four (4) Council persons. An at-will City manager directs all City services and manages an operational budget of approximately 140 million dollars. Inglewood is the home of the Forum and the Hollywood Park Race Track.

City demographics reported by the 1990 United States Census reflected a 65% Black, 20% Hispanic, 10% White, and 5% Other races population in the City of Inglewood.

The Inglewood Police Department is staffed by 208 sworn positions and 83 civilian positions with an annual budget of approximately 26 million dollars for fiscal year 1992/93. The Police Department is organized in a four (4) Office configuration: Operations (Patrol, Traffic, Reserves, K-9), Criminal Investigation, Special Enforcement (Anti Crime Team, SWAT, Vice/Narcotics) and Administrative Services. The Office of Administrative Services

is commanded by a civilian Commander while the three remaining Offices are commanded by a sworn Captain.

An evaluation of the current situation must be an essential part of any strategic plan. For this study the examination was conducted by the researcher and the process used is referred to by the acronym WOTS-UP Analysis (**W**eakness, **O**pportunities, **T**hreats, **S**trengths –**U**nderlying **P**lanning). The model agency was evaluated from a perspective of threats and opportunities in the external environment and strengths and weaknesses in the internal environment. The impacts of social, technological, economic and political environment that surrounds the model agency were considered in structuring the analysis.

## **THE SOCIAL ENVIRONMENT**

### **EXTERNAL THREATS:**

- \* The Rodney King incident that occurred in Los Angeles, and the resulting Christopher Commission Report has focused the public's attention on the degree of accountability in police misconduct cases.
- \* The media's intense attention on police misconduct has eroded much of the community's confidence in the integrity of their police departments.
- \* The perceived weaknesses in other professional peer review systems such as the American Bar Association (ABA) and the American Medical Association (AMA) cast doubt on all peer review systems.

- \* Large financial losses, due to police misconduct lawsuits contribute to the concerns over police agencies to regulate themselves.
- \* The pervasive perception that the police profession as a closed fraternal system fosters a continual suspicion by those people who are not part of the system.

### **EXTERNAL OPPORTUNITIES**

- \* The Rodney King incident and the ensuing Christopher Commission Report also has helped focus public attention on the importance of education and training.
- \* The intensified media attention on police misconduct spawns opportunities to review and reform law enforcement discipline procedures.
- \* Increased numbers of females and minorities in the ranks of law enforcement causes the work force to better reflect the values of the community. When the community and police share the same values, the degree of trust between the two groups increases.
- \* Increased sophistication of law enforcement unions, as well as state wide professional organizations, has provided them with the ability to successfully lobby state legislatures.
- \* The scarcity of high paying jobs with good benefits gives law enforcement the opportunity to hire better educated and more enlightened personnel.

## THE TECHNOLOGICAL ENVIRONMENT

### EXTERNAL THREATS

- \* Police misconduct lawyers have been able to set up their own network to keep track of allegations of police misconduct. They are able to make public allegations of misconduct without regard to the validity of the allegations.
- \* Low level understanding of computer capabilities by some individuals high in an organization can inhibit the automation potential of the organization.
- \* The cost factor of some of the state of the art resources makes the reality of acquiring them, nearly impossible.

### EXTERNAL OPPORTUNITIES

- \* The proliferation of miniature video camera and audio equipment give law enforcement personnel the feeling of working in a fish bowl, thus reducing the opportunities for misconduct.
- \* The same type of programs used by police misconduct lawyers can be used by police administrators to track personnel who may be going astray.
- \* Networking capabilities between peer review board members offer significant potential through the use of computers.

## THE ECONOMIC ENVIRONMENT

### EXTERNAL THREATS

- \* The continuing recession has reduced revenues from sales tax and property tax.
- \* The economically forced downsizing of organizations reduces the human resources available. These reductions are usually heaviest in the supervisory and management ranks, consequently often reducing critical oversight functions.
- \* Budget slashes at the state level has negatively impacted the Commission on Peace Officer Standards and Training Commission (POST) which is the backbone of law enforcement training in California.

### EXTERNAL OPPORTUNITIES

- \* There is a growing level of public concern and anger over the amount of public funds expended on lawsuits involving police misconduct. This concern can be the catalyst for review and reform of the way police handle misconduct cases.
- \* Law enforcement has been successful in identifying alternative sources to fund certain programs. This is particularly true in the area of Drug Abuse Resistance Education (DARE) programs and Police Athletic Leagues (PAL) programs, where much of their funding comes from sponsors in the business community. There are opportunities to expand such innovative funding methods.

- \* Public concern over police misconduct has caused both the state and federal governments to make various grant money available for innovative projects designed to reduce police misconduct.

## **THE POLITICAL ENVIRONMENT**

### **EXTERNAL THREATS**

- \* The Rodney King incident and the ensuing studies (Christopher Commission Reports, Kolts Commission Reports) have heightened the likelihood that decisions impacting police misconduct will be politically motivated.
- \* The City of Inglewood currently has a divided City Council, made up in part by self proclaimed reform activists, who will likely make decisions which will improve their positions.
- \* A stated desire by one member of the City Council to become directly involved in the internal police discipline system.

### **EXTERNAL OPPORTUNITIES**

- \* Past strong support and trust expressed by the City Council in general (not withstanding some individual grandstanding regarding the Police Department).
- \* The Inglewood Police Department enjoys overall reputation of being up front and open about its internal police discipline system.
- \* The Police Department receives strong moral support from the business community and the residents of the City.

## THE ORGANIZATION'S CAPABILITY

For this aspect of the study, the Inglewood Police Department's three Captains and its Civilian Commander were drawn together to conduct an analysis of the Department's weaknesses and strengths as it relates to the implementation of a strategic plan addressing the topic issue.

### INTERNAL STRENGTHS

- \* An increasingly diversified work force which better reflects the diversity of the community.
- \* An ethical and fair-minded Police Chief who is very concerned about the equity and objectivity of internal disciplinary system.
- \* A command staff committed to community oriented policing, including the key ingredients of empowering employees and risk taking.
- \* A strong organizational culture of integrity and ethics.
- \* A reputation for strict discipline and having any suspected criminal acts by police officers reviewed by the District Attorney's office.
- \* Committed relationship with the community, which includes involving the community in its training programs in the form of a citizen's academy.
- \* The Police Chief and his command staff maintain open and professional relationship with Inglewood Police Association.
- \* A well educated and professional work force, especially in the supervisory and management ranks.

## **INTERNAL WEAKNESSES**

- \* Police Chief's desire to maintain total control over adjudication of non-criminal allegations of police misconduct.
- \* A very active police association which routinely appeals police discipline cases.
- \* Over 90% of the sworn personnel live outside the city, creating somewhat of a barrier between the community and the officers.
- \* A perception within the department that the trend is a movement toward citizen review boards rather than peer review boards.
- \* A diversity of basic values among the members of the police department.
- \* A divided and volatile city council inhibits some risk taking on the part of top police management.

## **STAKEHOLDER ANALYSIS**

After completion of the organizational assessment, the same group of three captains and a civilian commander were asked to participate in a brainstorming session to identify stakeholders and their projected assumptions. Stakeholders represent those individuals and groups who impact the issue, are impacted by the issue or care about the issue. An assumption is something taken as truth without proof, often unstated values and beliefs that individuals or groups hold. This same group was also asked to identify a snaildarter.

A snaildarter is an unanticipated stakeholder who can radically impact a strategy, usually in an adverse fashion.

## STAKEHOLDERS

- \* Police Chief
- \* Police Officer's Association
- \* Police Management Association
- \* Mayor and City Council
- \* Citizens
- \* City Manager
- \* Police Command Staff
- \* Business Community
- \* Civilian Employee Union (possible snail darter)
- \* NAACP (possible snail darter)
- \* American Civil Liberties Union

## STAKEHOLDER ASSUMPTIONS

### Police Chief

- 1A Discipline has been fair and effective.
- 1B Discipline should be objective and uniformly applied.
- 1C The Chief of Police is ultimately accountable for the actions of all his

subordinates and therefore should have complete control over the review of police misconduct.

**Police Officer's Association**

- 2A Would object to civilians sitting in judgement of their members.
- 2B Would have concerns that some actions might be capricious and arbitrary.
- 2C Would have concerns regarding the confidentiality of materials reviewed by a peer review panel.
- 2D Would want to have input with regard to the manner members are selected to serve on a peer review board.

**Police Management Association**

- 3A Would want discipline to be fair and impartial.
- 3B Discipline should be uniformly administered, but with due consideration for the unique circumstances of each situation.
- 3C Would have a strong interest with regard to how peer review panel members are chosen.

**Mayor and City Council**

- 4A Are concerned about the image of the image of the police department as it reflects on the image of the city as a whole.
- 4B Wants to be assured that police personnel are held accountable for their actions.

4C Wants to lower the City's financial liability with regard to police misconduct law suits.

4D Wants to avoid any and all negative publicity.

#### **Citizens**

5A Wants complaints about police misconduct heard and investigated fairly and impartially.

5B Would have a concern that a peer board might put more weight in the testimony of a police officer than in the testimony of a citizen witness or victim.

5C Would want to be advised of the disposition of their complaints.

5D Are concerned that the members of their police department conduct themselves in a fair, courteous and professional manner.

#### **City Manager**

6A Is secure in the capabilities of the police department and its chief.

6B Has limited influence with the City Council.

6C Is concerned about the costs associated with paying out and defending litigation stemming from allegations of police misconduct.

6D Is concerned about the various agendas of the individual council members.

6E Is concerned about the public's perception of the police department.

#### **Command Staff**

7A Would want significant input on adjudication of misconduct allegations.

7B Would want influence over penalty recommendations.

7C Are concerned about holding personnel accountable, but would not want to be overly punitive.

7D Would be willing to negotiate issues of discipline in the best interest of the personnel and the department.

**Business Community**

8A Would be concerned about crime rates and any policies that might make the police less proactive.

8B Would be concerned about the professional image of the Department members, because that would reflect on the image of the Department and the City as a whole.

8C Would be supportive of any program that would increase the morale of the Police Department's members.

**Civilian Employee Union (possible snail darter)**

9A Would not want their members held to the same standards as sworn members of the Department.

9B Would be much more labor oriented than the sworn organizations.

9C Would not want sworn members of the department on a peer review board for their members.

**NAACP (possible snail darter)**

- 10A Would want community involvement with any kind of police misconduct review board.
- 10B Would be concerned about accountability, especially for sworn members of the department.
- 10C Would be concerned about the racial makeup of the peer review board.

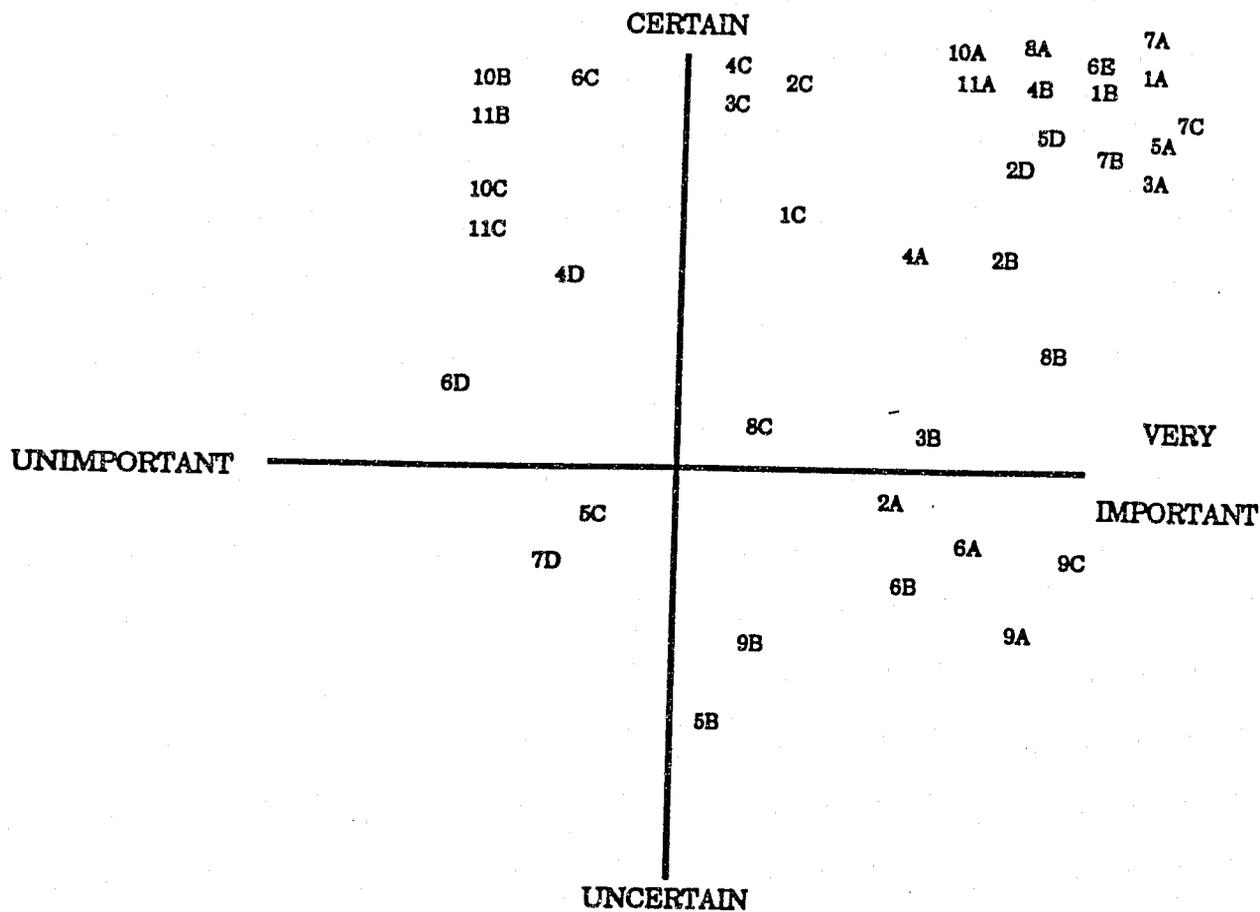
**American Civil Liberties Union**

- 11A Would be concerned about the availability of any documents generated by a peer review panel.
- 11B Would be concerned about the accountability of Department members, especially sworn members.
- 11C Would want community involvement with any kind of police misconduct review board.

As a method to organize the strategy for the change management implementation plan, an assumptions map was developed by the researcher. Although this tool is just as it suggests, an assumption as to the state of commitment of the various stake holders, it will serve as a useful tool in the subsequent planning stage.

Table 4

STAKEHOLDER ASSUMPTION MAP



- 1 Police Chief
- 2 Police Officers Association
- 3 Police Management Association
- 4 Mayor and City Council
- 5 Citizen

- 6 City Manager
- 7 Police Command Staff
- 8 Business Community
- 9 Civilian Employee Union (Snail Darter)
- 10 NAACP (Snail Darter)
- 11 ACLU

## DEVELOPING ALTERNATIVE STRATEGIES

The next step in the process was to generate a list of alternative strategies that could be used to accomplish the mission statement. In order to accomplish this a panel of three captains, a civilian commander, a police lieutenant, a police sergeant and police psychologist was called together. Specifically, this panel consisted of Captain James Seymour, Captain Jon Oliver, Commander Mark Weinberg, Lieutenant James TenBrook, Sergeant Lawrence Kirkley, Thomas Petersen and the researcher. Applying a Modified Policy Delphi technique the panel developed the following criteria by which each strategy would be measured against.

- \* Is the policy feasible?
- \* Is the policy cost effective, in terms of human resource expenditure as well as monetary expenditure?
- \* Does the policy achieve the stated mission?
- \* Is the policy desirable by, or marketable to, most, if not all, of the identified stakeholders?

**STRATEGY ONE:** *Develop a peer review board made up of randomly selected employees, which would review allegations of police misconduct and determine only guilt or innocence.*

The first strategy selected to be studied was a plan to develop three, five member, peer review boards made up of employees who are in the same general employment classification as the employee accused of misconduct. The classifications would be

either sergeant, police officer or general employee. Alleged misconduct by sworn members of lieutenant and above or by members of civilian management, would be handled by the Chief of Police, because at that level the issue of discipline is not routine. Randomly selected employees would be required to serve a staggered term of one year (50% of the initial board will serve a term of 18 months so that the board will maintain some experienced members). The peer review panel would review alleged misconduct presented to them by the Administrative Investigative Division, which is assigned to the Office of Chief of Police. The panel would determine whether or not the employee is guilty of the allegation(s) and forward their findings to the involved employee's Office Commander. The panel would have a non-voting advisor to assist them in legal and procedural matters. The Office Commander would make penalty recommendations to the Chief of Police. The Chief of Police would retain the right to reverse guilt or innocent findings and increase or decrease the recommended penalty.

The advantage of this strategy is the pure randomness of the panel selection, thus minimizing biases and hidden agendas. Requiring selected employees to serve will insure impartiality. This plan also keeps the Office Commanders and the Chief of Police significantly involved in the process.

The major disadvantage to this strategy is that in order to work, you have to have a Chief of Police who consistently demonstrates that he or she is willing follow the advice and counsel of "in house" employees and administrators. Also, the sheer randomness

of the selection process prevents considerations for diversity, while forcing unwilling employees to serve runs the risk of breeding indifference. Finally, there was great concern over higher ranking personnel being treated differently than rank and file personnel.

**STRATEGY TWO:** *Develop a peer review panel selected by the Chief of Police, which determines the guilt or innocence of alleged misconduct. All findings are non-binding with the Chief of Police.* The second strategy was the development of a peer review board system that uses a pool of evaluators, chosen by the Chief of Police. The number of evaluators available from any particular classification (officer, sergeant, lieutenant, civilian general employee, civilian management, etc.) would be determined by a percentage of the number of employees in each classification. The Chief would have the prerogative of choosing any five from the pool, to make up a peer review panel. The peer review panel would review alleged misconduct presented to them by the Administrative Investigations Division (Internal Affairs). The panel would make recommendations as to the employees culpability, as well as a penalty recommendation. While it would be expected that the Chief of Police would follow these recommendations in most cases, he would maintain the right to change both recommendations.

In analyzing this strategy, the group felt there was a significant advantage in providing the Chief the ability to choose from a large pool of diversified evaluators. He could tailor

the board to provide expertise for a particular allegation, such as a police psychologist on a panel reviewing a alcohol related allegation or a civilian risk manager on a panel reviewing an allegation likely have serious liability issues. The Chief could also make sure that panels were ethnically balanced and free from conflicts of interests.

The group was again concerned that if the Chief of Police did not accede to most of the recommendations, the peer review system would soon become ineffective and have no meaningful impact on the organization. They also expressed concerns regarding the lack of input from the various labor organizations. Finally, the group felt that it would be a disadvantage to change panels each time a new disciplinary case developed. They felt that the issues being reviewed were often complex and it would be advantageous to have some degree of experience on the panel.

**STRATEGY THREE:** *Develop a peer review board selected by the Chief of Police, with significant input from labor organizations. The boards findings are to be binding with respect to guilt or innocence, but advisory with regard to penalty.*

The third strategy analyzed by the group was the formation of five member review boards which would be chaired by an individual holding a higher rank than the accused employee. The accused employee's labor organization would supply the Chief of Police with five names from the labor organization's membership. The Chief of Police would pick two of those individuals to serve on the board. The Chief of Police would then pick a chairman and two other members, who hold the same rank as the accused employee.

The peer review board would review alleged misconduct presented to them by the Administrative Investigations Division. The board would determine whether or not the employee is guilty of the allegation(s) and forward their findings, along with a penalty recommendation to the involved employee's Office Commander. The panel would have a non-voting advisor to assist them in legal and procedural matters. The Office Commander could accept or modify the penalty recommendation and then make a penalty recommendation to the Chief of Police. The Chief of Police would retain the right to increase or decrease the recommended penalty. If the accused employee was acquitted of the allegation(s), the process would end with the findings of the board.

The group found that the drawback to this strategy is that it does take some latitude away from the Chief of Police, because if the employee is found not guilty, the process ends there, with no input from the Chief of Police or the command staff. The success of this plan also relies on the willingness of the Chief of Police to accept the boards recommendation most of the time.

The advantage of this strategy is the involvement of the various labor organizations, which are major stakeholders. Also, the Chief of Police and the command staff are still significantly involved in the process. The concern of the Chief of Police not being involved in determining the culpability of the employee, is allayed by the Chief's office having control of the administrative investigation. Finally, group felt that the non-voting

advisor would prevent peer review boards from going astray with regard to legal or procedural matters.

### SELECTION OF THE PREFERRED STRATEGY

The stakeholder analysis assisted the group in selecting the preferred strategy. The group reached consensus that **strategy three** positively impacted the most stakeholders and could be more readily accepted by the remainder of the stakeholders than either of the other two strategies. Strategy three significantly involves the Chief of Police, the Police Officer's Association, the Police Management Association, the Command Staff and the Civilian Employee Union, a possible snail darter. The group felt that with proper implementation strategy three would be readily acceptable to the remaining stakeholders.

### THE IMPLEMENTATION PLAN

This section of the study focuses on implementing the preferred strategy selected by the group. The first requirement would be to obtain commitment from the top of the organization, including the city manager, the police chief and the police command staff. As mentioned before, top level support is imperative to the preferred strategy, if it is to carry true meaning to the organization. Next a project manager should be selected to facilitate the implementation. Since the Inglewood Police Department has recently embarked on a formal community based policing program of which the corner stone of the program is empowering the employee, the lieutenant who commands the Inglewood

Community Policing and Problem Solving Division (ICOPPS) would be the best choice as a project manager.

The Chief of Police would next initiate meet and confer sessions with the various labor organizations effected by this plan. He and the project manager would have to sell the plan to the various organizations, so as to get each to commit to the plan. The project manager would then develop an oral presentation as well as some informational literature and sell the plan, through the ICOPPS Program, to the various identified stakeholders. Both the oral presentations and the informational literature would emphasize the safeguards and accountability factors built into the plan. The mission of the project manager would be to secure consensus and commitment from the various political and community organizations.

Finally the project manager would make the necessary changes in the policy and procedure manual to facilitate the formation of a peer review board. He would then prepare a selection process that would be ready for use, when the Administrative Investigation Division has a case to present to a peer review board.

### CONCLUSION

This phase of the study involved the use of two Modified Policy Delphi groups to formulate a strategic plan by developing a mission statement, conducting environmental and organizational analysis, conducting a stakeholder analysis and

developing alternative strategies. A brief implementation plan has also been discussed. In the next phase of the study a plan to ensure an accommodating transition from the comfort of the familiar present to the apprehension of the unknown future will be addressed.

## SECTION III

### CREATING THE FUTURE

#### TRANSITION MANAGEMENT PLAN

##### INTRODUCTION

This section presents a *Transition Management Plan* for the development and implementation of a peer review system for police misconduct in the Inglewood Police Department. This plan is the final phase to focus on the issue question **"What will be the status of peer review systems for police misconduct by the year 2003?"**

The first section used Nominal Group Technique (NGT) and Forecasting processes to identify possible future scenarios, as they relate to this issue. Conclusions drawn from that process suggest that in the interesting future there may be a place for a peer review system of police misconduct, but the system needs to be carefully designed in order to satisfy the concerns of all the stakeholders. The second section identified those stakeholders and focused on developing a strategic plan to manage the Department and issue, in order to reach a goal. In the second section a strategy was conceived which is

designed to create an environment wherein implementation of the desired future would be both functionally realistic and organizationally possible.

The desired future in this research area seeks to create a police misconduct review system, which pushes decision making to the lowest level of the organization. The chosen implementation plan strives to develop a peer review board, designed to review police misconduct. This board is to be selected by the chief of police, with significant input from labor organizations.

The selected strategy calls for the development of a review board made up of a mixture of peers and a superior of the accused employee. The accused employee's labor organization would supply the chief with five names from the labor organization's membership. The Chief of Police would pick two individuals from the list of five names and add two more individuals of the same rank of the accused employee. The chief would then pick a chairperson of a rank higher than the accused employee. Finally, the board would be provided with a non-voting advisor to assist them with legal and procedural matters.

The selected strategy will necessitate a significant rethinking of how the Inglewood Police Department currently reviews allegations of misconduct by its members. The boards findings would be binding with regard to guilt or innocence of the accused employee. The board would then recommend a penalty to the accused employee's Office Commander. The Office Commander could accept or modify the penalty recommendation and forward

it to the Chief of Police. The Chief of Police would have the final say with regard to the penalty.

Critical to implementing the strategic plan is the ability of the organization to manage the change effectively. A transition management plan must be designed for the unique environment of each individual organization. This section consists of three distinct but interdependent components, all intended to assure the realization of the desired future with maximum efficiency and minimal resistance. The first component will identify those individuals and groups necessary to assure the success of the selected strategy (critical mass). The individuals or groups current level of commitment will be analyzed and a means to gain or alter the level of commitment will be suggested. Second, the structures needed to effectively manage the change will be identified. Finally, the technologies, methods and tools needed to support the implementation plan will be identified and discussed.

## DEVELOPMENT OF COMMITMENT STRATEGY

### CRITICAL MASS

In Section Two of the study eleven (11) stakeholders were identified by the researcher, using a modified Delphi process. The selection of the preferred strategy recognizes the unique concerns and orientations of each stakeholder with regard to the ultimate outcome of the selected strategy. From the original list of stakeholders, the researcher has identified five individuals as the **critical mass**. While it is not necessarily critical that each stakeholder totally support the recommended strategy, this is not true with regard to

**critical mass.** Critical mass is defined as the minimum number of people who, if they support the desired change, will likely make it a success and conversely, if they oppose the change, will likely make it fail. The following is a list of individuals and groups, also to be referred to as actors, which are viewed as comprising the **critical mass**:

- \* CHIEF OF POLICE
- \* CAPTAIN, OFFICE OF CRIMINAL INVESTIGATION
- \* COMMANDING OFFICER, INTERNAL AFFAIRS
- \* PRESIDENT OF THE INGLEWOOD POLICE OFFICERS' ASSOCIATION (I.P.O.A.)
- \* POLICE PSYCHOLOGIST

**COMMITMENT CHARTING**

To graphically represent the level of commitment each critical mass actor currently holds as it compares to the level of commitment needed for the strategy to be successfully implemented, a commitment chart has been created. Table 5 represents this relationship between the various critical mass actors.

**TABLE 5 COMMITMENT CHART**

COMMITMENT/ CRITICAL MASS ACTORS	BLOCK CHANGE	LET CHANGE HAPPEN	HELP CHANGE HAPPEN	MAKE CHANGE HAPPEN
POLICE CHIEF		X ———	————— -	— O
CITY MANAGER		X ———	—————	— O
INTERNAL AFFAIRS LIEUTENANT		X ———	————— -	— O
I.P.O.A. PRESIDENT		X ———	— O	
POLICE PSYCHOLOGIST				X O

*X: CURRENT LEVEL OF COMMITMENT TO STRATEGY*

*O: DESIRED LEVEL OF COMMITMENT*

**POLICE CHIEF:** The current Chief is a police executive with 28 years of experience in law enforcement. The vast majority of this experience was gained with a major sheriff's department, located in the southeastern portion of the State. The Chief is highly educated, holding a PhD in Labor Relations, from the University of Southern California. While his particular area of interest is labor relations, he has had mixed results with his interaction with the Inglewood Police Officers Association (I.P.O.A.). The Chief has maintained an open door policy with regard to I.P.O.A.'s Board of Directors and has held regularly scheduled meetings to keep dialogue open. This has not, dissuaded the I.P.O.A. from blocking a number of programs the Chief has attempted to implement.

While the Chief is progressive and enlightened with regard to labor relations, he has a strong sense of accountability toward the community, and would be somewhat reluctant to give up much of his discretion on disciplining employees in his charge. He certainly would feel accountable to the City Manager, City Council and the community for any misconduct committed by a member of the Police Department. This sense of accountability might cause the Chief to be somewhat ambivalent toward a peer review system for police misconduct. For these reasons, the Chief currently would be in a "let change happen " position.

The Chief of Police truly believes in participative management, risk taking and empowering employees by moving decision making to the lowest possible level within the organization. He has made those three components the cornerstone of the Department's community based policing program. A close examination of the selected strategy would indicate that

those three components are prevalent in the peer review system. The selected strategy also provides the Chief with ultimate control over the make up of the peer review board, complete control over the administrative investigation function, and the issuance of discipline. Properly presented and with endorsement from key actors (some members of the command staff and the C.O. of Internal Affairs) these factors, coupled with the opportunity to work more closely with the I.P.O.A., would most likely move the Chief to a "make things happen" position.

The Chief's standing with the community, City management and elected officials, would allow him to gain support for the strategy, from those key stakeholders.

**CITY MANAGER:** As the executive administrative officer of the City the City Manager will play a critically important role in both the political and economic arenas surrounding this strategy. The current City Manager enjoys a solid working relationship with the majority of the city council, as well as community leaders. For any police discipline system to be successful it must have political and community support. With the assistance of the manager the selected strategy will move through this aspect of the implementation and planning stages with little issue or conflict.

**INTERNAL AFFAIRS COMMANDER:** The Internal Affairs Commander's position is held by a police lieutenant, who works out of the Office of Chief of Police. He is responsible for investigations of police misconduct. He will often make personal recommendations with regard to the guilt or innocence of the accused employee, but never makes recommendations with regard to penalty. The current lieutenant holding this position is well

respected for his knowledge and integrity and if fairly popular because of he diverse law enforcement background. The selected strategy has a minimum impact on his division's ability to conduct police misconduct investigations, therefore he would start out in a commitment position of "let change happen."

The Internal Affairs Commander is a young, energetic individual who spends much of his off duty time in the world of academia. He is a college level instructor who takes pride in his ability to keep current in his field. He has had several years of administrative as well as criminal investigation experience. Over the years he has learned to deal with the adversary positions of the I.P.O.A. by scrupulously protecting and upholding the rights of all employees investigated by his division. Due to his actions, many of his adversaries have turned into allies.

With the support of the Chief and the command staff, the Internal Affairs Commander could be moved from a commitment position of "let change happen" to a position of "make change happen." A significant amount of Internal investigations are adjudicated "not sustained", meaning that the Department was unable to either prove nor disprove the allegations. Presented in the proper context, a peer review panel, as group, might be able to make a determination of guilt or innocence, where an individual would not. This too might be an incentive to move the Internal Affairs Commander from a commitment position of "let change happen" to a position of "make change happen."

**I.P.O.A. PRESIDENT (Inglewood Police Officer's Association):** The current Board of Directors of the I.P.O.A. is made up largely of more senior officers. A recent I.P.O.A.

election brought two new members to the Board of Directors and the election of a new president, for the first time in nearly a decade. While it is too soon to be thoroughly evaluated, it is widely felt that the "new" I.P.O.A. administration will be much more confrontational and resistant to management directives than the previous I.P.O.A. administration. The newly elected I.P.O.A. President certainly has a more strained relationship with the Chief of Police, than his predecessor did. Certainly active support for the selected strategy by the President of the I.P.O.A. would be needed for the success of this change.

The creation of a peer review board for police misconduct would require participation of the I.P.O.A. in an area where there is no current participation, so it would be safe to assume that the I.P.O.A. President would have no incentive to block that change and at a minimum, he would have a commitment level of "let change happen." As part of the transition management process, significant input from the I.P.O.A. Board of Directors throughout the various stages of the process, will play a positive role toward reducing any of the usual "change anxiety." Overtly seeking the I.P.O.A.'s input will readily move the I.P.O.A. President's commitment level to a "help change happen" position.

**POLICE PSYCHOLOGIST:** The police psychologist is a licensed therapist and counsellor, who heads up the Department's Behavioral Science Unit. He is a candidate for a PhD in Psychology from the California Graduate Institute and initiated the Peer Counselors Program at the Police Department. That particular program has been a resounding success, largely due to the Police Psychologist's expertise and dedication. The peer counselors are very well trained and held in high esteem throughout the Department. The

program grew from a handful of peer counselors to a program that can boast of having a peer counselor in nearly every office, division and unit in the Police Department.

The Police Psychologist is a twenty year civilian employee of the Police Department and a police reserve officer. The Chief of Police relies on him to make decisions regarding fitness for duty examinations following officer involved shootings and when dealing with problem employees. The Police Psychologist is well respected throughout the organization and is an advocate of a peer review board for police discipline. He sees it as logical extension of the Peer Counselor Program. He is presently and will remain at commitment position of "make change happen."

## **GOVERNANCE/TRANSITION MANAGEMENT STRUCTURE**

Organizational change occurs in three phases; the present state, the transition state and the future state. The transition state typically requires a separate structure and form of management appropriate to its unique task. The transition team must be made up of individuals who possess the authority, experience, expertise and desire to make well informed organizational and technical decisions. The identified critical mass actors appear to possess all the traits necessary for the transition management team. All of the critical mass actors, except the Chief of Police and some members of the Command Staff, will play a daily role in the management team, during the implementation process.

The lieutenant assigned as Internal Affairs Commander will serve as the Project Manager. It will be his responsibility to keep the management team focused and organized and to

keep the Chief informed of the teams progress. The project manager was chosen because of his position in the organization, his abilities and enthusiasm when given assignments, and the perceived credibility of his character. The chosen project manager has demonstrated the ability to bring conceptual plans to a reality as well as displayed the ability to bring together the rest of the organization to meet the administrative and operational challenges.

The Project Manager will lead a team to implement the selected strategy. While the Command Staff and Chief of Police are members of that team, the reality is that their hands on participation would be limited. The Project Manager, I.P.O. A. president and the Police Psychologist will be the focal point of the transition team. The Chief's and Command Staff's presence on the team is to lend "authority" to the change making process. Also, the Chief will integral to meeting and conferring with the I.P.O.A.

The transition management team must possess the latitude to develop sound strategies in a timely fashion. The team members will need to make use of the strong interpersonal and negotiating skills that they possess. They will need a shared commitment toward the desired ends of the selected strategy. Finally, the Project Manager will be responsible for bringing together the major stakeholders in order to assure that their concerns are addressed, during the development of strategies and plans. This component of the transition management process is intended to promote a sense of teamwork and consensus building. It is meant to win the needed support of the major stakeholder.

## **TECHNOLOGIES/TECHNIQUES TO SUPPORT IMPLEMENTATION**

The final phase of transition planning involves the identification and selection of methods and technologies which can be used to support implementation of the selected strategy.

The selected technologies and methods for the plan include:

### **TEAM BUILDING AND TASK FORCE APPROACH**

Recognizing that opposition has existed in the past between some critical mass actors, forming them into a "transition management team" would provide a forum for them to identify common areas of concern and topics of conflict. This will also avoid false expectations and later conflicts. Developing a "can do" attitude must be identified as the collective responsibility of the entire transition team.

### **PROBLEM FINDING ACTIVITY**

This would involve the transition team in discussions about problems that may exist within the present misconduct review system. This should raise group awareness of significant issues and how they are perceived by each member of the team. This technique will also bring hidden agendas to the surface.

### **RESPONSIBILITY CHARTING**

Responsibility charting is a management tool to assist the Project Manager and the transition team in the timely implementation of the various components of the Transition Plan. This chart helps assure clear cut lines of authority and responsibility in the various task areas of the implementation strategy. Effective organization reduces the hazard of team members duplicating efforts or becoming confused or misdirected.

**TABLE 6 RESPONSIBILITY CHARTING**

<b>ACTORS</b>	<b>CHIEF OF POLICE</b>	<b>CITY MANAGER</b>	<b>PROJECT MANAGER</b>	<b>I.P.O.A. President</b>	<b>POLICE PSYCHOLOGIS T</b>
<i>TRANSITION STATE</i>	-----	-----	-----	-----	-----
Policy Development	A	A	R	I	I
Choose Project Manager	R	I	A	I	I
Identify Internal and External Resources	A	S	R	I	S
Identify Training Needs	I	I	R	I	S
Develop Adjudication Forms	I	I	A	I	R
Develop Evaluation Criteria	A	I	RA	I	S
<i>FUTURE STATE</i>					
IMPLEMENT PEER REVIEW BOARD	A	I	R	I	I
Monitor Program	A	I	R	S	S
PERIODIC REPORTS TO CHIEF OF POLICE	A	I	R	I	I

**CHART LEGEND**

- R=RESPONSIBILITY** for action (but not necessarily authority)
- A=APPROVAL** must approve, has power of veto
- S=SUPPORT** has to provide resources, may not agree to the action
- I=INFORM** must be informed before the action, cannot veto

## TRANSITION MANAGEMENT PLAN TIME TABLE

### FIRST SIX MONTHS

- \* Chief of Police meets & confers with I.P.O.A.
- \* Identify Project Manager.
- \* Schedule implementation team meetings to establish priority lists.
- \* Identify Legal & Policy Advisor.
- \* Identify critical training needs for the implementation team and peer review board members.
- \* Establish financial needs of project
- \* Obtain approval of City Council

### MONTH EIGHT

- \* Establish criteria for appointment to peer review board.
- \* Establish program evaluation criteria

### MONTH TEN

- \* Begin the process of assigning police misconduct cases to peer review boards.
- \* Identify post-implementation training needs.

### ONE YEAR

- \* Conduct annual review, to include statistical study.

- \* Provide first written evaluation of project for review by the Chief of Police and his staff.
- \* Modify and refocus the direction of the project as indicated by the review.

### TWO YEARS

- \* Conduct annual review.

### **ANTICIPATED OBSTACLES AND ISSUES**

History and experience has demonstrated that there will be some obstacles and issues that will become part of the transition or implementation process. Some thought and discussion with regard to what these issues might be should become part of the transition/implementation plan.

The foremost obstacle to the implementation of the selected strategy, will be the meet and confer session between the Chief of Police and I.P.O.A. Board of Directors. The current administration of the I.P.O.A. has become very labor oriented and nearly every suggestion from police management is dealt with by them in a quid pro quo manner. Even when a suggested change in their "working conditions" would be an obvious benefit to their membership, they will probably insist on some trade off to "concede" to the change. The Chief of Police is quite familiar with their posturing and can be expected to deal with it in an appropriate manner. Also, with the I.P.O.A. President being a member of a transition team he can be expected to provide assistance in that area.

Concerns outside the Department might also materialize as an obstacle. The City Council is very political and at times very volatile. It is not unusual for decisions affecting the Police Department to be made on a political rather than practical basis. The City Manager is very effective in insulating the Police Department from those issues, but he cannot stop all the political fallout, all of the time. The issue of peer review is in direct conflict with citizen review systems. Discussion of citizen review boards for police misconduct does come up from time to time. The council majority has always been against that particular approach, but it should be anticipated that any discussion of police misconduct review, is likely to raise the issue of citizen review boards.

There is no doubt that other unanticipated issues and obstacles will surface during the implementation process. Those issues can be dealt with by the management team relying in their collective years of experience.

## **CONCLUSION**

This transition management plan has addressed the issues necessary to "make change happen" in order to attain the desired future state. It has identified individuals who comprise the critical mass and assesses the extent to which they have the necessary information to support the desired change. It has analyzed their motivation and commitment to do what is necessary to accomplish the desired change and suggested techniques and methods to bring the change about. Change will occur, what is being changed and how it will occur can be controlled.

## CONCLUSIONS

This research study has attempted to forecast the future status of peer review systems for police misconduct by the year 2003. Research completed in this study clearly suggests that if current trends continue the manner in which police misconduct is reviewed and adjudicated will remain as critical issue. High profile media reports vividly document law enforcement's and the community's concern with deteriorating ethics. As society moves towards the twenty-first century the law enforcement profession continues to search for methods in which their members can become self accountable. This study has demonstrated that no single system can effectively address the immense range of issues effecting the subject matter, but rather, various systems must be pliable so they can be molded to fit the organization they serve.

The research clearly indicates that community based policing and problem solving necessitates the empowering of line level personnel. A peer review system for police misconduct is a great empowering tool. Sharing the responsibility of reviewing the misconduct of peers can cause people to assert self accountability. It is the antithesis of such troubling concepts such as the "code of silence." Empowering through peer review of police misconduct, puts meaning back into the Law Enforcement Code of Ethics.

The research indicates that a peer review system for police misconduct will have a

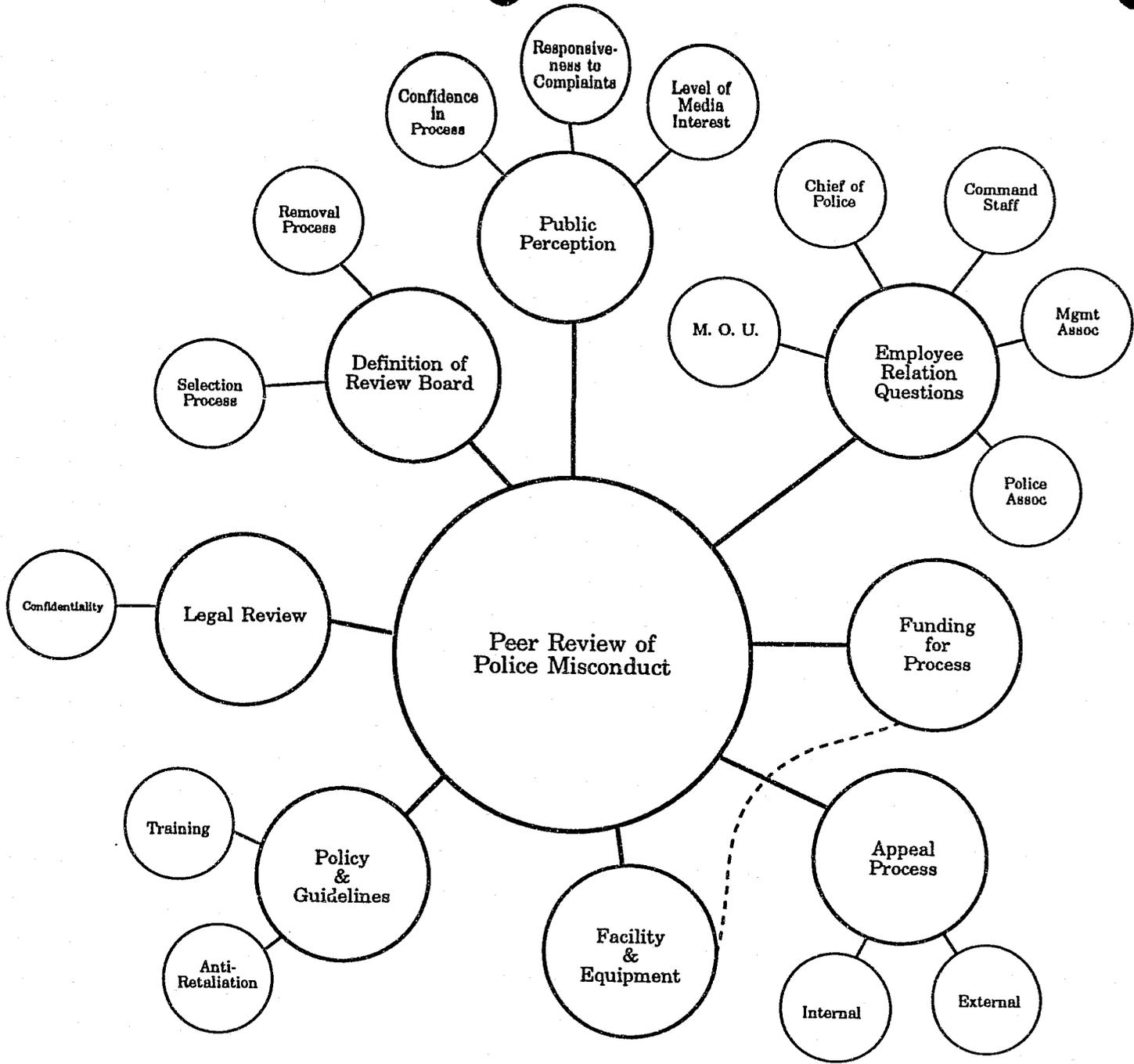
significant positive impact on employee relations. Once members of the labor organization have bought into a peer review system, they assume equal ownership. The "them vs. us" attitude could be greatly reduced. The exacting task will be to win the confidence and trust of the line personnel. The study explored several ways to accomplish that mission.

The research indicates that a peer review system for police misconduct can be designed and implemented without unduly diminishing management's rights to maintain accountability in the ranks. The research suggests that this responsibility and accountability be shared. Nothing in the research suggests that the chief of police or his command staff ever abdicate that responsibility to any entity, be it a peer review system or a civilian review system.

The study determined that the community is one of the major stakeholders in a peer review system of police misconduct. The research indicated that this is an area ripe for further examination. While the study explored this issue, it never entirely answered that particular sub-issue question. It would appear that the sub-issue question is large enough to be an issue of its own. There may be a place in the interesting future where one might employ a mixture of peer review board and a civilian review board. That concept is beyond the scope of this current research, but certainly is a topic worthy of future research.

Futures Wheel

100



Appendix A

Appendix B

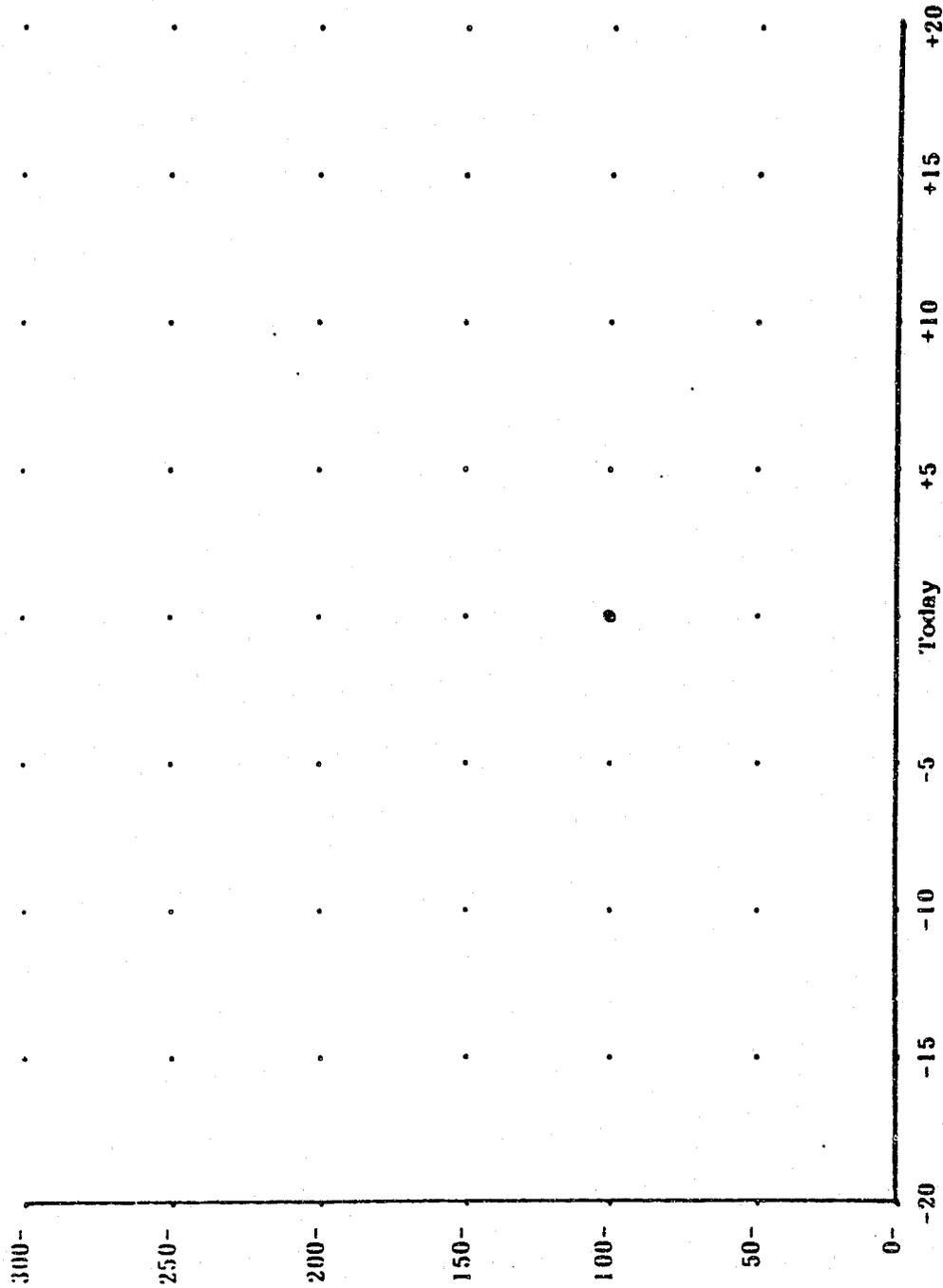
**BALLOT**

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_
8. \_\_\_\_\_
9. \_\_\_\_\_
10. \_\_\_\_\_

## EVENT EVALUATION FORM

EVENT STATEMENT	YEARS UNTIL PROBABIL- ITY FIRST EXCEEDS ZERO	PROBABILITY		IMPACT ON THE ISSUE AREA IF THE EVENT OCCURRED	
		Five Years From Now (0-100)	Ten Years From Now (0-100)	Positive (0-10)	Negative (0-10)
1					
2					
3					
4					
5					

Trend No. \_\_\_\_\_



11-4/286e

Years

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## Appendix C

In order to start the nominal group technique (NGT) process, several trends and events were put on flip charts by the NGT facilitator (resercher). Below is a list of those particular trends and events.

### EVENTS

Disarm police

Development of reliable lie detector

New city administration

Non sworn police chief

### TRENDS

Level of civilianization in police department

Level on mandated training

Effect of alternative work schedules

Level of regionalization of police and other services

## Appendix D

### TRENDS

1. Effect of fiscal failure (cities)
2. Usage level of video by police departments
3. Level of management rights to evaluate employee outside peer review
4. Level of management rights to discipline
5. Level of restrictive legal decisions
6. Level of negative media attention
7. Educational level of police officers
8. Effect of ADA on discipline process
9. Level of criminal of prosecution of police misconduct
10. Level of diversity in police departments' workforce
11. Level of civil litigation in employment matters
12. Level of special preference/affirmative action/political corrections
13. Level of outside demand for participation in police discipline process
14. Level of civilianization in police departments
15. Level of community - based policing
16. Level of confidentiality/privacy
17. Level of grand jury review of sustained police misconduct complaints
18. Level of civil/criminal punitive liability for police managers in wrongful acts in employee relations
19. Level of discoverability in legal actions

20. Level of out-of-court settlements for alleged misconduct
21. Level of group identity within police departments
22. Effects of alternative work schedules
23. Level of political use of police discipline
24. Effects of diversity and complexity of society
25. Level of lateral movement between department
26. Impact of declining quality of the educational system
27. Effects of technological advances in police departments (communications, computers,...)
28. Level of public respect for police
29. Level of civilian review boards
30. Level of demographic diversity at policy - making levels
31. Effects of political philosophy - ideology trends; ascendancy of different ideologies
32. Effects of changing public image of the police
33. Level of supervisory responsibility for wrongful acts of subordinates
34. Level of mandated specific training
35. Level of policy restrictions/constraints on enforcement activities
36. Level of participation by employee associations, representatives
37. Level of rank-and-file distrust of (supervisors and managers)
38. Effect of varying levels (by states) of police training, certification
39. Level of (over) generalization of events (turning events into trends)
40. Effects of society demographics changes in short-term future (10 years)
41. Level of workforce stability (commitment, turnover, two careers)

42. Level of federal participation in formerly local and state matters  
(re: police misconduct)
43. Level of globalization of economy/society
44. Level of regionalization of police and other services
45. Level of privatization of "public" services
46. Level of reliance on police departments for non-criminal matters

## Appendix E

### EVENTS

1. California's Peace Officer's Bill of Rights is repealed.
2. Mandated grand jury review of use of force.
3. A new chief or sheriff is appointed.
4. Police Department loses suit & pays for injuries when excessive force is not used.
5. A on-sworn police chief is appointed.
6. Installation of video cameras in police cars.
7. Riots occur.
8. Refusal of peers to participate in a peer review process.
9. New city administration comes into power.
10. Introduction of civilian observer/evaluator in police units.
11. For-merit civil service system is abolished.
12. Civil ligation filed against a peer review board.
13. a legislated mandatory use of force review process is initiated.
14. Legislated specific definition of "peer".
15. Change in ethics: peers cannot judge peers.
16. Redefinition of training requirements for police officers.
17. Total discoverability of officer files in court cases.
18. Peer review board becomes 'ceremonial' only .

19. Courts mandate civilian review boards.
20. a major natural disaster occurs.
21. Police no longer carry firearms.
22. Legalization allowing vigilantism.
23. Internal review process only recourse for police discipline; no court appeals.
24. Regionalization of police.
25. Drastic drop in crime rates.
26. Development of reliable lie detectors.
27. Increase in apathy leads to reduction in police activity.
28. Privatization of municipal police departments.
29. Gang activity made a felony.
30. Federal requirement for mandatory collection of DNA & palm prints
31. Introduction of police corps.
32. National overhaul of Uniform Criminal Code.
33. Legislation setting mandatory time with authorization for required number of prison cells.
34. Broadened definition of probable cause; police experience = expertise for probable cause.
35. Legislation requiring revocation of POST certificate for multiple sustained misconduct complaints.
36. Elimination of the hierarchical command structure.
37. Legislation requiring mandatory life sentence for three (3) felony convictions.
38. Legislation that requires action be taken on multiple misconduct complaints, regardless of disposition.

39. Legislation granting unconditional immunity from civil litigation for law enforcement.
40. Law enforcement unions are outlawed.
41. Decision against peers on peer review board awarding punitive damages to the litigant.

Appendix F

SIGMA GENERATED NORMATIVE SCENARIO

5. E-7. Law enforcement unions outlawed
6. E-9. Action on multiple misconduct

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The Policy Analysis Co., Inc. SIGMA Scenario Generator

For - Seed No. > 5015140 < and the jim data --  
in a 10 year SCENARIO that begins in 1994 ,

THIS IS WHAT HAPPENS !!

1. Jul. 1994 E-10. POST can revoke certificate  
T = 61 P= 60 +I = 5 & -I = 5 Cnfd= 0 Cnsn= 0
2. Oct. 1994 E-3. Immunity for cops in civil cases  
T = 61 P= 49 +I = 5 & -I = 5 Cnfd= 0 Cnsn= 0
3. May 1996 E-5. Total discoverability of personnel files  
T = 59 P= 69 +I = 4 & -I = 6 Cnfd= 0 Cnsn= 0
4. Sep. 1997 E-1. Mandate grand jury review of use of force  
T = 59 P= 60 +I = 5 & -I = 5 Cnfd= 0 Cnsn= 0
5. Feb. 1998 E-6. Elimination of hierarchical command structure  
T = 62 P= 42 +I = 6 & -I = 3 Cnfd= 0 Cnsn= 0

The EVENTS which do NOT Happen are:

1. E-2. Courts mandate civilian review boards
2. E-4. Refusal of peers to participate
3. E-7. Law enforcement unions outlawed
4. E-8. AB301 repealed

SIGMA GENERATE NOMINAL SCENARIO

The Policy Analysis Co., Inc. SIGMA Scenario Generator

For - Seed No. > 7663000 < and the jim data --

in a 10 year SCENARIO that begins in 1994 ,

THIS IS WHAT HAPPENS !!

1. Jan. 1994 E-1. Mandate grand jury review of use of force  
T = 65 P= 38 +I = 6 & -I = 3 Cnfd= 0 Cnsn= 0
2. Aug. 1997 E-6. Elimination of hierarchical command structure  
T = 68 P= 42 +I = 6 & -I = 3 Cnfd= 0 Cnsn= 0
3. Aug. 1997 E-2. Courts mandate civilian review boards  
T = 71 P= 42 +I = 6 & -I = 3 Cnfd= 0 Cnsn= 0
4. Jul. 1999 E-4. Refusal of peers to participate  
T = 63 P= 20 +I = 1 & -I = 9 Cnfd= 0 Cnsn= 0
5. Oct. 2001 E-3. Immunity for cops in civil cases  
T = 66 P= 42 +I = 6 & -I = 3 Cnfd= 0 Cnsn= 0
6. Jan. 2003 E-5. Total discoverability of personnel files  
T = 69 P= 42 +I = 6 & -I = 3 Cnfd= 0 Cnsn= 0

The EVENTS which do NOT Happen are:

1. E-7. Law enforcement unions outlawed
2. E-8. AB301 repealed
3. E-9. Action on multiple misconduct
4. E-10. POST can revoke certificate

SIGMA GENERATED HYPOTHETICAL SCENARIO

5. E-7.Law enforcement unions outlawed
6. E-8.AB301 repealed
7. E-9.Action on multiple misconduct
8. E-10.POST can revoke certificate

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The Policy Analysis Co., Inc. SIGMA Scenario Generator

For - Seed No. > 9291926 < and the jim data --  
in a 10 year SCENARIO that begins in 1994 ,  
THIS IS WHAT HAPPENS !!

- 1.Jun. 1995 E-5.Total discoverability of personnel files  
T = 62 P= 69 +I = 4 & -I = 6 Cnfd= 0 Cnsn= 0
- 2.Aug. 1996 E-9.Action on multiple misconduct  
T = 62 P= 31 +I = 5 & -I = 5 Cnfd= 0 Cnsn= 0
- 3.Jul. 1997 E-10.POST can revoke certificate  
T = 62 P= 60 +I = 5 & -I = 5 Cnfd= 0 Cnsn= 0
- 4.Apr. 1999 E-2.Courts mandate civilian review boards  
T = 62 P= 31 +I = 5 & -I = 5 Cnfd= 0 Cnsn= 0

The EVENTS which do NOT Happen are:

1. E-1.Mandate grand jury review of use of force
2. E-3.Immunity for cops in civil cases
3. E-4.Refusal of peers to participate
4. E-6.Elimination of hierarchical command structure
5. E-7.Law enforcement unions outlawed
6. E-8.AB301 repealed

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